Legis file No.

1942 Serial No

Previous references. (Legis)

PRESERVE

Later references.

(1942)

General and Revenue Secretariat

~~Office of the Secretary to the~~

~~Representative Assembly and Legislative Council~~

~~Dated~~ 1st September 1943

SUBJECT.

The Workmen's Compensation (Amendment) Act, 1942

To the Compiler, Mysore Gazette, Bangalore.

R.L. 103-Legis 9-42-1 dated 22nd July 1942, directs the publication of.

Amendment
2483. - Workmen's Compensation Act

General and Revenue Secretariat | Exc File No. 295 of 1940. (1) | App. F. III-2

Serial No.

Letter No F. 185/40-41 dated 20th Dec., 1940 from the Dist Communicating the decision of the Labour welfare Board to amend Section 4 of the Mysore Workmen's Compensation Act.

1) Sent for orders whether the remarks of the Commissioner for Workmen's compensation, Kolar, may be called for in the first instance.

Regd 8/1 2) The Commissioner, Kolar may be consulted as suggested above

8/1/41

Dec(3) 3) Yes

9/1/41

a) Orders.

Regd 10/1 5) Issued 11/1/41

To the Commissioner for Workmen's Compensation, Kolar.

D 3351 dated 20-1-41.

Forwarded for favour of remarks, if any, the letter No F 185/40-41 dated the 20th December 1940 of the Director of Labour, Bangalore, on the proposal to amend section 4 of the Workmen's Compensation Act received from the Labour Welfare Board, Bangalore.

Letter No T.C. 74/40-41 Dated the 19th July 41, from the Commissioner for Workmen's Compensation

Amendment of Section 4 of the Workmen's Compensation

File No. (C) 295 of 1940. | General and Revenue Secretariat

Serial No.

Kolar, stating that he is in complete agreement with the opinion of the Labour Welfare Board regarding the proposed amendment

b) The proposal to amend Section 4 of the Workmen's Compensation Act is submitted for orders. The Dy C
Ces 27/2 may perhaps be asked to send up draft amendments with the object & reasons for consideration

7) [illegible] 27/2/41

Orders 8) Yes. DW 3/3/41 [illegible] 4/3/41

Dft sent.

Ces 5/3 [illegible]

To The Dy Sec
D 4555 a 8-3-41.

Cabs for draft amendments with Statement of objects and reasons for consideration.

[illegible] Ces 11/3

Letter No. F. 18-20-41 dated the 28th March 41 from the Director of Ind submitting draft amendments for consideration Submitted for orders. Refer Para 8) The Labour Welfare Board

Serial No.

and the Commissioner for Workmen's Compensation, Kerala, are agreeable to the amendment of Section 4 (1) (b) of the Act.

(2) The D.O. letter dated 26th March with its enclosures are forwarded.

(3) The proposal of the D.O. is to amend the Workmen Compensation Act to make the reduction in the waiting period from seven days as at present provided in the Act. It is proposed that in the case of genuine accidents arising out of or in the course of employment, half monthly payments to injured workmen should be from the date of the ~~accident~~ injury provided the temporary disablement ~~is for the~~ exceeds seven days.

(4) The Labour Welfare Board has recommended this amendment and the same has been supported by the D.O. Director also.

(5) The Commissioner for Workmen Compensation, Kerala writes to say that he is in complete agreement with the opinion of the Labour Welfare Board regarding the proposed amendment.

(6) In the resolution passed by the Board it is noted that the Kerala Mining Board have intimated the Labour Welfare Board that they have deferred the consideration of the amendment pending the report of the K.G.F. Labour Enquiry.

Seria. No.

17) It is not clear from the recorded resolution of the Labour Welfare Board whether the representative of the K.G.F. Mineowners Board was also agreeable to the proposed amendment.

18) The proposed amendment appears to meet a real grievance of an injured workman and may perhaps be accepted.

19) However, as the amendment affects a large number of K.G.F. Mining employees it is for consideration whether the opinion of the K.G.F. Mineowners Board should also be obtained.

20) For favour of perusal and orders

16/4/41

Dewan)

21) It would be desirable that the views of the K.G.F. Mining Co. are also obtained & considered, before passing final orders in this case.

22) In this connection, Mr. Matthai's report of enquiry re Labour Conditions etc in K.G.F may also be awaited to see what his findings suggestions etc would be in regard to this question.

This may be done

Ill 24.4

17/4

1st Member)

(1st M is on leave).

Second Member)

21/4

24/4

GOVT OF MYSORE

OFFICE OF THE FIRST MEMBER OF COUNCIL. APR 18 1941 No. (0)43

OFFICE OF THE SECOND MEMBER OF COUNCIL. 2 APR. 1941 No. A.62.41

Workmen's Compensation Act –
Amendments of Sec 4 –

General and Revenue Secretariat — File No. 285 of 1940. — [App. F. III-2

Serial No.

OFFICE OF THE MINISTER FOR LAW
DEC 6 1941
No.

(This amendment has not been included in the Amending Bill now before the L.C.)

OFFICE OF THE MINISTER FOR LAW
DEC 8 1941
No. 3541

25) In Mr Maltman's report a recommendation has been made in the matter (Para 74 of the report).

26) As the report is now under examination, the papers are submitted for orders

[signature] 2/12/41

Draft)

27) The Workmen's Compensation Act is to be amended as proposed by the Dir I & C: in his Report, Mr Maltman has recommended action being taken on these lines

Min. Law

WD
1/12/41

Sec'y Law / This is a necessary amendment & it may be moved

[signature]
3/12/41.

WD
3/12/41

27 Can we move amendments not placed previously before L.C.?

28 Do it not better to seek a private member to move such an amendment?

29 Otherwise, we should place this before R.A. at the next session

[signature] 4/12

so for advice.

Sec'y Law (with comps)

WD 5/12

WD 5/12

[signature]
3/1

File No. 501/M of 194 | General and Revenue Secretariat

Serial No.

33) Reference Ministers minute at para 27 and 28 above.

34) Under S.O. 38 of the Legislative Council Standing Order, when a motion that a Bill be taken into Consideration has been carried, any Member may propose an amendment of the Bill.

35) Official Members are also members of the Council and as such may take advantage of S.O. 38.

36) A similar amendment was ~~moved~~ brought up at the RA session but was disallowed as receiving out of time.

37) It is however a point for consideration whether the present amendment is an "Amendment of the Bill". The amendment appears really to incorporate a new provision into the Principal Act, not carried by the present Bill. This is for orders.

38) In case it is decided to bring forward a motion to amend Section 4 of the Act it is for orders in whose name the motion should be tabled.

Sgd
10.12.41.

Secy
Rev Dept

39) In case it is decided to propose an amendment, notice of the motion should reach the Minister ... [illegible]

General and Revenue Secretariat
R. A. & L. C.

File No. 504/41 of 194 — 394 — App. F. III-2

Serial No.

SECY. LAW DEPT. 10 DEC. 1941 GOVT OF MYSORE

DEC 10 1941 No 5846.

Secretary, L.C. by the 13th inst.

BKR 10.12.41

Law Secy) 10.12.41

40) The amending Bill does not touch this section of the Act. Hence it is better to place this amendment as a separate Bill before the R.A. and then introduce it in the L.C.

Minister for Law.) Hm 2 10/12/41.

41) Hm 2 11.12.41.

BKR 11.12.41

42) For further action

Addl Secy Dev Dept 15/12) 11.12.41

43) Draft amending Bill and the Statement of objects and reasons already sent by the Dir. Law with his letter no. F-185/40-41 dated 26th March for reference.

Flag A

44) Refer Paras 24, 40 & 41

45) The draft amending Bill, with the Statement of objects and reasons, is submitted for approval

Secy) 46) May

NOTE—Contn. Sheet.

Government Compensation Act — Amendment to Section 4

3952

File No. | of 194 . | General and Revenue Secretariat R. A. & L. C.

Serial No.

OFFICE OF THE MINISTER FOR LAW
DEC 17 1941
No. 6165

SECY DEV DEPT
17 DEC. 1941
GOVT OF MYSORE

be approved. (Flag A.)

Fin. Law
Mic Sec'y. Law

15/12/41

16.12.41.

48) Please study in the light of the British W.C Act which deals back Compensation to the dates of accidents after the waiting period is over.

(1) clause 2 (a) of the proposed Bill is clearly a wrong draft

24/12

22/12

49) If appd. the file will be sent to the Commissioner of Labour, unofficially, for noting the orders of the Minister.

-Refer Paras 48 & 49

23/12

51) Submitted. The Rules are framed on closely the British Indian Act. Under both the Acts, in the case of temporary disablement no Compensation is due for

51) Please keep it in view

51) is noted

23/12

(Copy of W.C. Act lent by Mr. R.R. 1938 edn. Spare)

9

Serial No.

the first 7 days of disablement. Prior to 1933, the waiting period was two days & as this was considered too long a period, representations were made to the Labour Committee who recommended its reduction, it was reduced to seven days.

5) Sickness is written to mean 5 or more than 13 days of A. Amounts to Injury Workmen Compensation Act. The reason for excluding this period are explained above.

5) The amendment was considered to be more beneficial than the British Indian Act. The argument against this is that it has led to malingering & that some of those compensated to judge from what we would have the same effect in India. The British Act has fixed the period at three days & no compensation

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—28-10-41

501/M

File No. of 194 . | General and Revenue Secretariat.

Serial No.

In any case the period (under section 4(3) of Workmen's Compensation Act)

Secy 10/1/42

2.5.42

12. JAN. 1942 GOVT OF MYSORE

54 As instructed by the Development Secretary, a draft Bill is put up for consideration.

53 The compensation made payable under this amendment is from the date of disablement and the waiting period of 7 days is dispensed with, subject to a proviso that where the disablement is of a minor nature so that it ceases within 7 days no compensation need be paid.

56 Indirectly the doctrine of relating back in existence in England has been incorporated in this Bill. In England compensation is not payable unless the accident disables the workmen for a period of at least 3 days and secondly even where the disability lasts for 3 days the compensation is not payable in respect of those days unless the incapacity has lasted for four weeks or upwards. Under this Bill compensation is not payable if the diaability lasts for less than 7 days but if it lasts longer compensation is payable from the date of the accident.

5 MAY 1942 GOVT OF MYSORE

4.5.42

Secy (Rt Hon)

57 BKR 5.5.42

Dy. Secy through Law Secy

58 Hm 5/5/42 BKR 5.5.42 WD 5/5/42

5 MAY 1942 SECY. LAW DEPT 3902 GOVT OF MYSORE

Workmen's Compensation Act -- Amendment (11)

General Secretariat J Hc File No. 295 of 194 0. [App. F. III-2

Serial No.

Urgent

MAY 8 1942

9727

57) A revised Eft Bill (Amending) and a St of Objects & Reasons, are subd for appl.

58) Council matter; may be disposed of by circulation.

Min, Law.

X Dewan

UO 5/5/42 For 5/5

61) 14/5

62) 12/5/42

Ch Secy W/C

UO 13/5/42 For 13/5

63) Submitted with a circulation memo

R 14/5/42

64) 14/5

65) I have obtained this file from the Council Secy. There may not be time to proceed with this Bill during the ensuing R.A. Session if copies have to be printed after obtaining the gracious sanction of H.H. In the circ, it is for orders if the Copies of the Amending Bill & St of Principles may not be got printed & sent to the members of the R.C. in anticipation of approval.

Min. Law) UO 15/5/42

66) 15/5 For

57) [illegible]

IE—Cont. Sheet.

62 J.H. Branch)

W1 C 455—G1 R—50,000—28-10-41

For Disposal by Circulation.

No. C. 995 (13)

.....1941-42

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

(68) THE WORKMEN'S COMPENSATION (amendment) BILL.

Circulated to the Council of Ministers.

By Order.

M. S. 14/5

(9) .....14th May.....1942 . *Chief Secretary to Government.*

Minister for Finance and Revenue. 15.A

(71) **Minister for Law.** (Seen)

5941 18.5.42 **Minister for Education.** 19.5.42

7231 16.5.42 **Minister for Local Self-Government and Public Health.** 16.5.42

WD 06846—GPB—500—24-8-42

(14) ~~Secy.~~ ~~Draft~~ ~~Secy. w/c.~~ (Sec.) B

25/5 XX DFN 75/ 21/5

Workmen's Compensation
3542/40-41 Act — Amendment of ...

General and Revenue Secretariat

re File No. 295 of 1940.

(14)

[App. F. III-2

Serial No.

30 MAY 1942
No. 10457

OFFICE OF THE MINISTER FOR FINANCE & REVENUE
25 MAY 1942
No. 7496

The D.N. in duplicate is signed and placed below.

D.F.N. is laid for appl.

21/5

To 22.5

Put up

28/5

Ans 30/5

To 30/5

S. N. submitted.

30/5/42

Dewan)

Final Note by the Minister for Finance and Revenue.

Subject.— The Workmen's Compensation (Amendment) Bill.

These papers relate to the proposal to amend -- Section 4 (i) D of the Workmen's Compensation Act, No. XIV of 1928. Under this Section, compensation to injured workmen becomes payable only after the expiry of a waiting -- period of seven days from the date of disablement and even then compensation is paid in respect of the subsequent -- period only and not for the waiting period. The Director of Industries and Commerce has brought to notice that this restriction is causing great hardship to workmen injured in accidents in the course of work. With a view to afford the relief needed to injured workmen, the Labour Welfare Board which has considered the question in detail has recommended that Section 4 (1) D of the Act be amended so as to provide for the payment of compensation from the date of injury to persons who suffer injuries, resulting in temporary disablement for a period exceeding seven days.

This is also one of the measures recommended for adoption by Rajamantrapravina Diwan Bahadur K. Matthan in his Report on labour conditions in the Kolar Gold Fields. Section 4 (i) D is accordingly proposed to be amended to provide for the grant of such relief to injured workmen.

The Dewan and the other Ministers are agreeable to the proposal and I solicit His Highness' gracious approval thereto.

K. Chenna Lawrence
Minister,
Finance & Revenue.

Bangalore,
28th May 1942.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Finance and Revenue *on the subject of* The Workmen's Compensation (Amendment) Bill

for His Highness's gracious approval.

Bangalore,
31st May 1942.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

The Workmen's Compensation (Amendment) Bill.

Order.

1/6/'42.

General and Revenue

Secretariat.

C995

SUBJECT :—

The Workmen's Compensation (Amendment) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

W. S. 3/6

Chief Secretary to Government.

Through the Secretary to Government,

Revd. Secl. Department.

WP 4/6/42

Minister for Finance and Revenue. 4.6.42

Minister for Law. 4.6.42

Minister for Education. 6.6.42

Minister for Local Self-Govt. and Public Health. V.S. 4.6.42

WD 06360—GPB—500—23-3-42

The Workmen's Compensation (Amendment) Bill along with the Statement of principles was placed before the R.A on 4th June 1942 and was approved by the House. If approved the Bill ~~and its principles~~ will be published under Rule in the Gazette under/Rule 36 of the Legislative Council Rules, adopting the Statement of principles as Statement of objects and reasons.

(Secy RA-2c) 5.6.42

(Law Minister) BXR 5.6.42

(Dewan) 5/6

Mee 6/6/42

BXR 6.6.42

A draft notification under rule 36 of the Mysore Legislative R.A. rules, 1940, is submitted for approval.

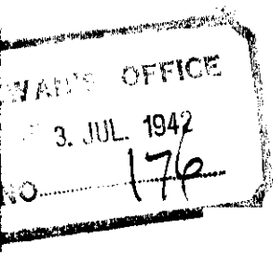
DSR 6.6.42

Issue 6.6.42

Issued No RL 25-77 dated 8.6.42

Workmen's Compensation (Amendment) Bill

Continuation Sheet. File No. / Current No. 1285 RL. of Page. 21



A.D.S.N. is submitted for approval

24/2-7-42

Secy (RA&Re)

Law Secy

Secretary

2.7.42

BKR 3-7-42

3.7

BKR 3-7-42

Subject:- Promulgation of THE WORKMENS COMPENSATION (Amendment) BILL.

----:x:-----

His Highness the Maharaja was graciously pleased on the first of June 1942, to approve of the proposal to amend the Workmen's Compensation Act in respect of compensation payable to injured workmen during the waiting period of seven days

The Bill which was drafted for this purpose was placed before the Representative Assembly during its recent session and was approved by that House. The Bill was thereafter introduced in the Legislative Council and was passed by the Council. An amendment which was tabled by a member of the Legislative Council was not taken up and was deemed to be withdrawn due to the absence of the member when his motion came up for consideration.

A copy of the Bill as finally passed by the Legislative Council and signed by the President is submitted to His Highness the Maharaja under Standing Order 45 of the Mysore Legislative Council Standing Orders.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

MINISTER FOR LAW.

BKR
29.6.42

Final Note by the Minister for Law.

Subject.—

Promulgation of the Workmen's Compensation (Amendment) Bill.

His Highness the Maharaja was graciously pleased, on the first of June 1942, to approve of the proposal to amend the Workmen's Compensation Act in respect of compensation payable to injured workmen during the waiting period of seven days.

The Bill, which was drafted for this purpose, was placed before the Representative Assembly during its recent session and was approved by that House. The Bill was thereafter introduced in the Legislative Council and was passed by the Council. An amendment which was tabled by a member of the Legislative Council was not taken up and was deemed to have been withdrawn due to the absence of the member when his motion came up for consideration.

A copy of the Bill as finally passed by the Legislative Council and signed by the President is submitted to His Highness the Maharaja under Standing Order 45 of the Mysore Legislative Council Standing Orders.

I solicit the gracious sanction of His Highness to promulgate the Bill into law.

Bangalore,
1st July, 1942.

MINISTER FOR LAW.

LAD 22

5.7.62

D.S.N.

I submit herewith a Final Note by the Minister for Law on the subject of The Workmen's Compensation (Amendment) Bill for His Highness's gracious approval.

DEWAN.

BM

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the Workmen's Compensation (Amendment) Bill, for His Highness's gracious approval.

N Madhava Rau

Bangalore,
4th July 1942.

D E W A N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Workmen's Compensation (Amendment) Bill.

Order.

7/7/42

General and Revenue

Secretariat.

C 29.

SUBJECT :—

Promulgation into law of the Worksmen's Compensation (Amendment) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

202. 10.7.42 Minister for Finance and Revenue 10.7

Minister for Law.

215 10.7. Minister for Education.

428 11.7 Minister for Local Self-Govt. and Public Health. 11.7.42

Law Secy W/C

WD 06360—GPB—500—23-8-42

15.7.42

15.7.42

The Workmens Compensation (amendmen

Continuation Sheet. File No. / Current No. of 1285/41 Page.

The gracious assent of His Highness was accorded on 7th July 1942 to promulgate the Bill into law

A draft of. directing publication as Act No. XXX of 1942 is submitted for approval

JV. 20-7-42 BVN 20/7

Secy (RL) 20.7.42

BVR 20.7.42

Law Secy

Cus 20-7-42

JS Rao

BVR 21.7.42

Issued No RL 103 - Legis 9-42 dated 22nd July 1942 to the compiler Mysore Gazette

The Act has appeared in the Gazette dated 23rd July 1942.

The file will be recorded with a copy of the Act put up herewith.

Sub.

JV 7.9.42

SECY. LAW DEPT. 261 20 JULY 1942 GOVT OF MYSORE

A THE SEC. 7-9-42

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

DEVY. DEV. DEPT. 20 DEC. 1940

REVENUE SECRETARIAT, DEVELOPMENT BRANCH. 23 DEC.

FROM

M.C.I.Muniswamy,Esq.B.A.,
Director of Industries and Commerce in-charge,
Bangalore.

To

C.E.Noronha,Esq.,M.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

No. F.185/40-1 Dated 20th December 1940.

Enclosures One

SIR,

Amendment to the Workmen's Compensation Act providing for payment of the half-monthly Wages from the date of accident to injured work-people.

In sending herewith,for the consideration and orders of Government, an extract from the proceedings of the meeting of t Labour Welfare Board held on the 22nd November 1940, on the abo subject, I have the honour to state that Clause (a) of Sub-Section (1) of Section 3 of the Workmen's Compensation Act provides that the employer shall not be liable to pay workmen's compensation in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding seven days and Clause D of Sub-Section (1) of Section 4 of the Act provides fo the payment of ~~a~~ half-monthly ~~payment~~ wages payable on the sixteen day after the expiry of a waiting period of seven days. It h been represented that this restriction is causing great hardshi to workmen injured by accident in the course of work. With a view to affording the relief needed by injured workmen, the Lab Welfare Board recommends that the provision of the Act be amend suitably so as to provide for payment of compensation to injure work people from the date of accident instead of from the 8th da if the total or partial disablement resulting from the injury exceeds 7 days.

The existing provision in the Mysore Workmen's Compensati Act is similar to that in the British Indian Act. The object the "Waiting period" is to prevent malingering and wilful acts resulting in minor injuries etc. This section has been in op in British India ever since the Act came into force and has not undergone substantial change except that the waiting period whi was originally 10 was reduced to 7 about 4 or 5 years back.

It is true that the non-payment of any compensation to injured workman in cases of genuine accidents during the waitin period of 7 days works as a great hardship to him. The Board seeks to remedy this by proposing an amendment to the above sec which, while retaining the "Waiting period" of 7 days, provides payment of compensation from the date of accident where the tot or partial disablement exceeds 7 days. I am in agreement wi the views of the Board and commend its decision for the favoura consideration of Government.

On receipt of orders, I shall submit the necessary amendme

I have the honour to be,
Sir,
Your most obedient servant,

C. Thimmiah

DIRECTOR IN-CHARGE.

Labour Welfare Board.

Extract from the proceedings of the meeting held on the 22nd November 1940.

Subject:- 3. Reduction in the waiting period under the Mysore Workmen's Compensation Act.

At the previous meetings, the Board had expressed generally in favour of the proposition. But the Mining Representative was of the opinion that as such reduction in the Waiting period would involve more expenditure and clerical work, the subject did not commend itself to the Mining Board. He had been requested to gauge the general sense of the Board on the question before the Mining Board again and move them to consider it favourably in the interest of injured workmen who needed relief badly. He had since written that as the enquiry into K.G.F.labour conditions was in progress, the Mining Board had deferred its consideration pending the completion of the enquiry.

The Board again considered the subject in all its aspects and was strongly of the opinion that the reduction in the Waiting Period from 7 days to 3 days would not give the injured workmen the needed relief and therefore that it was desirable that in all cases of genuine accidents resulting in temporary partial or total disablement exceeding 7 days, average half monthly wages be paid from the date of accident, subject to the condition that the injured workmen underwent treatment in a local Government Hospital or the hospital in the Mills or Factories in which they work if such facilities existed, or under a registered Medical Practitioner, and a certificate regarding such treatment was produced to the satisfaction of the authorities.

The Board resolved that a recommendation be made accordingly to Government with a request to kindly amend relative provision of the Act.

L. Wynniatt 20/12/40

Director of Industries and Commerce in-charge.

Appendix F G—1]

SUBJECT..... Amendment of Section 4 of the Workmen's Compensation Act.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *19*

Date of issue..... 20/1/41

Signed by .....

List of enclosures.....

Copied by .....

Examined by .....

Section 2(c).

File No. 295 (c)

Serial No. 2

No. D 3351

To The Commissioner for Workmen's Compensation Kolar

Sir,

I am directed to forward herewith for favour of record a copy of letter No. F. 195/40-II dated the 20th Dec. 1940, and enclosure received from the Director of Insurance and Commerce on the above subject.

I/

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat. 33

No. D 3351 / 12295-100-2 *Bangalore, dated* 20 January 1941

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

To Development Department.

The Commissioner for Workmens Compensation,
Kolar.

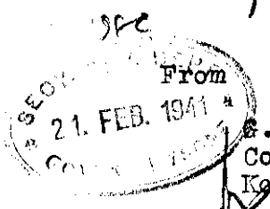
Sir, Subj:- Amendment of Section 4 of the Workmens Compensation Act.

I am directed to forward herewith for favour of rem rks a copy of letter No.F.185/40-41 dated the 20th December 1940, and its enclosure received from the Director of Industries and Commerce on the above subject.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Development Department.

No.W.C.74/40-41. Office of the Commissioner for Wormken's Compensation, Kolar District, ChampionRe
Dated, Camp:Oorgaum the 19th day of Febry.'4



From

C. Sundara Rao, Esq., B.A.,
Commissioner for Workmen's Compensation,
Kolar District, Champion Reefs, Kolar Gold Fields.

To

M. Venkatesa Iyengar, Esq., M.A.,
Secretary to Government of Mysore,
Development Department, Bangalore.

2483 & 33555

Sir,

With reference to your No.D;3351/I & C.295-40-2, dated 20th January 1941 on the subject of an amendment to Section 4 of the Workmen's Compensation Act, I have the honour to state that I am in complete agreement with the opinion of the Labour Welfare Boar regarding the proposed amendment.

I have the honour to be,
Sir,
Your most obedient servant,

C. Sundara Rao
COMMISSIONER. 19.2.41.

Appendix F G—1]

SUBJECT..... Amendment of Section 4 of the Workmen's compensat. Act

Section &c.

File No. 295-40

Serial No.

Diary No. of letter replied to.....

No. D 4555

To

The Dir. &c.

General and Revenue Secretariat

( )

the *19* .

Sir,

Date of issue..... 8/3/41

With reference to your letter No. F. 185-40-4 dated the 20th Dec 1940 on the above subject, I am directed to request you to send up draft amendments with a Statement of Objects and Reasons for consideration.

I have etc.

Signed by .....

for Secretary

List of enclosures.....

Copied by .....

Examined by .....

OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. D4555 / Ire 295 mw

Dated, Bangalore, ...9th March 1941.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

Development Department.

To

The Director of Industries and Commerce
in Mysore, Bangalore.

Sir,

Subject:- Amendment of Section 4 of the Workmens' Compensation Act.

With reference to your letter No.F.185/40-41 dated the 20th December 1940 on the above subject, I am directed to request you to send up draft amendments with a statement of objects and reasons, for consideration.

I have the honour to be,
Sir,
Your most obedient servant.

For Secretary to Government,
Development Department.

Tele { Phone No. 2004
Grams—INDUSCOM.

In reply please quote number, date & short title.

GOVERNMENT OF MYSORE

DEPARTMENT OF INDUSTRIES AND COMMERCE.

3355

FROM

B. G. A. MUDALIAR, Esq., B.A., B.Sc., A.M.I.MECH.E.,
Director of Industries and Commerce
in Mysore, BANGALORE.

To

M. VENKATESA IYENGAR, Esq., M.A.,
Secretary to Government,
Development Department,
BANGALORE.

No. F 185/40-41

Dated 26th March 1941.

Enclosures 2

SIR,

The (Mysore) Workmen's Compensation Act XIV of 1928 (as amended by Act III of 1936) Section 4- amendment of

With reference to your letter No. D. 4555/I & C 295-40 dated 6/8th March 1941 on the above subject, I have the honour to submit herewith, for the consideration of Government, a draft bill with statement of objects and reasons for the amendment of section 4 of the Workmen's Compensation Act, so as to provide for payment of compensation to the injured work people from the date of disablement resulting from injuries by accident arising out of and in the course of employment, instead of from the eighth day of disablement as at present. I am also enclosing a statement showing the section as existing in the Act, amendments proposed and the section as amended to secure the object in view.

I have the honour to be,
Sir,
Your most obedient servant,

B. G. A. Mudaliar

DIRECTOR.

Bill further to amend the Workmen's Compensation Act 1928.

Whereas it is expedient further to amend the Workmen's Compensation Act, 1928 for the purposes hereinafter appearing; It is hereby enacted as follows:-

SHORT TITLE

1. This Act may be called the Workmen's Compensation (amen -ment)Act, 1939.

AMENDMENT OF SECTION 4 OF ACT XIV OF 1928 (AS AMENDED BY ACT III OF 1936).

2. (a) In section 4 (1) D of the Workmen's Compensation Act, 1928 (as amended by Act III of 1936) (hereinafter referre to as the said Act) the following shall be inserted after "injury and "before" a half monthly payment, viz.

"for a period exceeding seven days"

(b) In the same section the words occurring after the "sixteenth day", viz.

"after the expiry of a waiting period of seven days" shall be omitted.

(c) In the same section the following clause shall be inserted after the word "shorter", viz.

"subject to medical examination and treatment as provided for in section 11 of the Act and the Rules thereunder.

Statement of objects and reasons

Under section 4 (1) D of the Workmen's Compensation Act XIV of 1928 ~~(as amended by Act III of 1936), no~~ compensation ~~is payable~~ to injured workmen ~~people during the "waiting period" of seven days~~ in respect of temporary disablement, whether total or partial, resulting from injury by accident, arising ~~out~~ of and in the course of employment, ~~half monthly payment~~ becomes payable only ~~on the sixteenth day~~ after the expiry of a waiting period of seven days from the date of disablement. Representations have been made both by injured workmen ~~people~~ and those interested in labour welfare that non-payment of any

any compensation during the waiting period of seven days acts as a great hardship to injured workmen and it has been urged that the relative section of the Workmen's Compensation Act should be suitably amended so as to afford relief to ~~injured work people even during the waiting period.~~ them from the date of inablement

The Labour Welfare Board has considered the question in detail and recommended that section 4 (1) D of the Workmen's Compensation Act be amended so as to provide for making half monthly payments to injured workmen under medical treatment from the date of injury resulting in temporary disablement for a period exceeding seven days. This is also one of the measures recommended for securing by Legislation as per the Pillai-Bahadur Mathuradas Report on Labour Conditions in the C.P.

It is desirable and necessary that in all cases of genuine accidents resulting in temporary disablement for a period exceeding seven days, compensation should be paid to workmen from the date of disablement instead of from the eighth day as at present. Section 4 (1) D ~~has~~ is accordingly ~~been~~ proposed to be amended to provide for the grant of such relief to injured ~~work people.~~ workmen.

(1D. Where temporary disablement, whether total or partial, results from the injury, a half monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement and thereafter half monthly during the disablement or during a period of five years, whichever period is shorter,	Insert after "Injury" and before "a half monthly payment" the words "for a period exceeding 7 days." Omit the words "after the expiry of a waiting period of 7 days occuring after "sixteenth day". After the word "shorter" insert the words "subject to medical examination and treatment as provided for in section 11 and of the Act and the Rules thereunder.	(1D. Where temporary disablement whether total or partial, results from the injury for a period exceeding seven days, a half monthly payment payable on the sixteenth day from the date of disablement and thereafter half monthly during the disablement or during a period of five years whichever period is shorter, subject to medical examination and treatment as provided for in Section 11 of the Act and the Rules hereunder,
(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first coloumn of shedule IV - of the sum shown against such limits in the fourth coloumn thereof, and		(i Same as the existing sub clause.
(ii) in the case of a minor - of one half of his monthly wages, subject to a maximum of thirty rupees.		(i) Do.
Provided that (a) there shall be deducted from any lumpsum or half yearly monthly payments to which the workman is entitled, the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lumpsum or the first half-monthly payment, as the case may be; and		Provisos:--- (a) Do.
b) No half-monthly payment shall in any case exceed the amount, at which half the amount of the monthly wages of the workman		(b) Same as the existing proviso.

before the accident exceeds half the amount of such wages which he is earning after the accident.

2) On the ceasing of the disablement before the date on which any half monthly payment falls due there shall be payable in respect of that half month a sum proportionate to the duration of the disablement in that half-month.

(2) Same as the existing sub-clause.

NRM/-26-3-41)

DIRECTOR OF INDUSTRIES AND COMMERCE.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. D. 6583-6—I & C. 85-40-34, dated 17th April 1942.

Report of Rajamantrapravina Diwan Bahadur K. Matthan.

Passes orders on the —— regarding the conditions of labour employed on the Kolar Gold Field.

READ—

Government Order No. D. 1237-42—I. & C. 85-40-3, dated the 6th September 1940, appointing *Rajamantrapravina Diwan Bahadur* K. Matthan to enquire into the conditions of labour employed on the Kolar Gold Field.

2. Letter, dated the 23rd May 1941, from *Rajamantrapravina Diwan Bahadur* K. Matthan, submitting his Report in the matter.

3. Correspondence ending with letter dated the 5th December 1941, from the Secretary, Messrs. John Taylor & Sons' Committee, expressing the views of the Committee on the Report and furnishing information on the action taken or proposed to be taken by them on the recommendations made in the Report.

4. Correspondence ending with letter dated the 23rd December 1941, from the Chief Inspector of Mines in Mysore, forwarding a copy of the Notice, dated the 22nd December 1941, issued by the Mining Companies, notifying the grant of certain concessions to their employees in respect of privilege leave with pay and attendance bonus, with effect from the 1st January 1942.

ORDER No. D. 6583-6—I. & C. 85-40-34, DATED BANGALORE, THE 17TH APRIL 1942.

In their order of the 6th September 1940, read above, the Government requested *Rajamantrapravina Diwan Bahadur* K. Matthan to review the progress and, in the light of the existing conditions, the adequacy of the various measures of labour welfare adopted by the Mining Companies since 1931, and to examine the specific representations made by the workers during the labour strike in July—ugust 1940. Mr. Matthan was also requested to examine to what extent the :veral measures of labour legislation in force in the State had benefited the labour opulation on the Kolar Gold Field and to favour the Government with any ıggestions calculated to promote the object of such legislative enactments.

Mr. Matthan made a detailed enquiry into the several problems affecting .bour employed on the Field, such as the terms and conditions of employment, ıe level of wages, the system of contract labour, the recognition of labour unions, ıe necessity for enacting further labour legislation, the provision of housing :commodation, medical relief and other amenities, etc., and sent his recommendaons with his report. The summary of the recommendations made by him is :inted as an appendix to this order with an indication of action taken or proposed) be taken.

Several of the recommendations deal with matters within the purview of the Mining Companies while others relate to legislation and public administration and require action by the Government.

Messrs. John Taylor and Sons' Committee, representing the Mining Companies on the Field, to whom the recommendations were referred, have examined them and furnished information about the action taken by the Companies on some of the recommendations and the manner in which they intend to deal with those recommendations on which they have not yet taken action.

The recommendations directly concerning the Mining Companies fall under three classes:—

A. Recommendations in respect of which action has been taken;
B. Recommendations which are under further consideration; and
C. Recommendations on which the Mining Companies find themselves unable to take action.

No. D. 6583-6--I. & C. 85-40-34, DATED 17TH APRIL 1942.

A. Recommendations on which action has been taken.

(i) *Attendance Bonus.*—The monthly rates of attendance bonus scale have been increased by Rupee one, as from the 1st August 1941, at an additional annual cost of Rs. 2·5 lakhs. The Mining Companies point out that, with this increase, the average daily earnings of a regular underground employee approximates to Rupee one. With effect from the 1st January 1942, in all cases in which the workmen are prevented from working the number of days ordinarily required to entitle them to attendance bonus for the period concerned, due to medically certified accidents of a temporary nature arising out of and in the course of their employment, such absence does not disentitle the workmen to payment of bonus proportionate to the number of days actually worked, provided (*a*) that the absence does not exceed three days and (*b*) that the workmen in question work regularly on all the remaining available days. Attendance bonus is paid fortnightly for 11, 12, or 13 days' attendance, the number of days required to be worked during a period being governed by the number of working days in a month.

(ii) *Underground Outfit Allowance.*—The Mining Companies have sanctioned, with retrospective effect from the 1st March 1941, a scheme for the grant of a cash allowance of Rs. 3 at the end of every 6 months of regular service, in the case of all employees working underground who provide themselves with the standard equipment, at an estimated annual cost of Rs. 1 lakh.

(iii) *Leave with Pay.*—The Mining Companies have sanctioned from the 1st January 1942, a scheme for the grant of Holidays with pay, to employees who have put in two years' continuous service, subject to certain terms and conditions. This is estimated to cost Rs. 2 lakhs a year. Under this scheme, an employee will, if qualified, and on the Management being satisfied of his good conduct and regular attendance, be allowed an annual leave with pay. Such leave shall be given when it is convenient to the Management and is not detrimental to the operation of the Department in which the employee is engaged. The leave period is based on the number of days worked during the previous twelve calendar months and is subject to reduction corresponding with the number of days of sick leave with pay, etc., taken during the same period. The eligibility for leave is regulated as below:—

Underground (Contract).	*Maximum.*
Employees who during the year work 260 days.	21 days' leave
Underground (Company).	
Employees who during the year work 280 days.	21 days' leave
Surface.	
Employees who during the year work 280 days.	14 days' leave

The grant of leave is subject to the following conditions:—

(1) All leave is granted at the convenience of the Management and the Management is free in its discretion, to refuse, revoke or curtail the leave subject to exigencies of work.
(2) By pay is to be understood an employee's substantive rate of pay per mensem or per diem, exclusive of all allowances, bonus or overtime.
(3) If the Management offers the leave at its convenience and the employee rejects such offer, he shall forfeit leave to the extent offered.
(4) Annual leave is not cumulative.
(5) Workmen who overstay their leave will render themselves liable to loss of appointment.

(iv) *Leave without Pay.*—Employees who have put in approved service are, on application, granted leave without pay to attend to their private affairs at the discretion of the Superintendent of the Mining Company concerned.

(v) *Gratuity.*—The Mining Companies have introduced, with effect from the 1st August 1941, a system of paying service gratuity to all eligible workmen who leave the Companies' service as a result of permanent disability compensated under the Workmen's Compensation Act. This is estimated to cost Rs. 1·5 lakhs per annum.

(vi) *Grant of copy of Medical Certificate.*—When workmen are discharged on account of physical unfitness, a copy of the medical certificate is furnished on application.

(vii) *Construction of Huts.*—The Mining Companies have taken in hand, as an emergent measure, the construction of an additional 1,500 concrete huts at an approximate cost of Rs. 3·5 lakhs, with a view to completion within a period of two years. The work is in progress. In this connection Messrs. John Taylor and Sons' Committee point out that with this additional construction, the total number of huts will exceed 13,000 built at an approximate total cost of Rs. 25 lakhs and the annual maintenance, sanitation and water-charges will amount to Rs. 5·25 lakhs. In these circumstances and in view of the uncertain future of the Mining industry and of the rise in the costs of working, the Committee urge that the Mining Companies cannot commit themselves at present to schemes of housing construction beyond the present programme which is under execution.

(viii) *Provision of Lights and other Conveniences.*—As regards the suggestion about providing more electric lights, water taps, bathing places, latrines and other amenities in the Cooly Lines, the Mining Companies state that everything possible has been and will continue to be done and point out that welfare work on a considerable scale has been in progress on all the Mines of the Field for many years now, with satisfactory results.

B. Recommendations under consideration.

Among the recommendations of Mr. Mathan, is one relating to the necessity of the rules regarding service gratuity being more liberal. He has recommended that a workman leaving the service after a certain number of years should be entitled to receive service gratuity irrespective of his leaving it on account of unfitness or otherwise, that service gratuity should be calculated at half a month's wage for every year of service, that the qualifying period should be reduced in the case of the underground workmen from 10 to 5 years, that the wage for calculation of service gratuity should be inclusive of the attendance bonus and that if a workman dies, his dependents should be eligible to receive the service gratuity. The Mining Companies state that these points are still under their consideration, in view of the heavy financial commitments involved.

RELIGIOUS HOLIDAYS.

In regard to the grant of three days' leave in a year with pay uniformly to workmen of all communities, for religious observances, feasts and festivals the Mining Companies agree with the principle but state that, if it is adopted in the manner proposed, it would in effect necessitate the complete stoppage or curtailment of mining operations from six to nine additional days during a year. They have not yet been able to evolve a practicable scheme for adoption. They have given the assurance that the existing arrangements will be continued and improved, if possible.

C. Other Recommendations.

The Mining Companies are not in favour of the suggestion for a general increase in wages, in view of the fact that a general increase was given so recently as August 1940, at an additional annual cost of Rs. 6 lakhs and that the rates of attendance bonus scale have been since raised by one rupee, from 1st August 1941. They are also not in favour of giving periodical increment of wages without regard to merit and efficiency and point out that while increases are not given automatically, they are given freely in all deserving cases in accordance with sanctioned scales.

Regarding the suggestion to merge the attendance bonus in the regular wages and to encourage regular attendance in other ways, the Mining Companies state that the suggestion is not acceptable to them, as, in their opinion, the existing arrangement is equitable and offers the greatest inducement to men to work regularly and the attendance bonus if merged in the wage rates as proposed, would result in irregularity of work, to the detriment of workmen as well as of the Mining Companies.

Mr. Matthan has suggested that a Provident Fund Scheme on a contributory basis is preferable to the present scheme of service gratuity. The Mining Companies state that the institution of the fund cannot be contemplated at this late stage in the life of the Mines and that, apart from financial and other considerations, the working of such a scheme involves almost insuperable difficulties by reason of absenteeism, irregular attendance, the constant movement of workmen from one mine to another and of the impossibility of correctly assessing the gratuity amount to be credited to the Workmen's Provident Fund account for past service, in the absence of full and complete service records of each workman. While the Government do not wish to under-rate the difficulties urged by the Mining Companies, they would observe that the alternative of liberalising the existing rules regarding service gratuity requires early consideration and decision.

In regard to the gradual replacement of the present system of contract labour for underground work, by a system of co-operative work, the Mining Companies bring to the notice of the Government that efforts were made in that direction in the past, and that they failed generally to achieve satisfactory results. They state that it is as a result of their knowledge of work requirements and practical experience of its efficiency, that they consider it essential to retain the existing contract system and point out that in any event, decisions regarding methods of work must rest with the Management.

Regarding the recommendation that sick pay may be given, when it is more than the allowance admissible under the Workmen's Compensation Act, in cases of temporary disablement due to accidents, the Mining Companies point out the Workmen's Compensation Act and the Sick Pay Scheme of the Companies are entirely unrelated, and that there is no reason to link them up in the manner proposed.

Another recommendation refers to the establishment of dispensaries for women and children at convenient centres in the cooly lines. The Mining Companies state in this connection that, in addition to maintaining maternity clinics, they contribute annually a sum of Rs. 6,000 to the funds of the Kolar Gold Field Sanitary Board towards the cost of the Government Maternity Hospital and the Epidemic Diseases Hospital, Robertsonpet and the General Dispensary at Champion Reef and that the question of establishing other dispensaries in the mining area is a matter for consideration by the Government. Government direct that the questions whether the existing medical facilities in the mining area are adequate in the case of women and children of the workmen and if they require to be improved, in what manner the improvement can be effected, be separately examined by the Senior Surgeon in Mysore in consultation with the Kolar Gold Field Sanitary Board and the Mining Companies and a report submitted for the orders of the Government.

Recommendations for Action by Government.

The recommendations relating to legislation and public administration will now be dealt with :—

Mr. Matthan has recommended recognition to Labour Associations and urged the need for legislation in that behalf and for the settlement of industrial disputes. Mr. Matthan has also recommended that a Labour Commissioner should be appointed for the Kolar Gold Field to guide the movement.

The Mysore Labour (Emergency) Act, XX of 1941, came into force in August 1941. This has been since placed permanently on the Statute Book by the Mysore Labour Act, 1942 (Act XIII of 1932). The Director of Industrial Planning and *Ex-officio* Chief Inspector of Factories has been appointed the Commissioner of Labour for the State, with a full-time Assistant Commissioner of Labour, stationed on the Kolar Gold Field.

The recommendations about the Mysore Mines Act are under examination.

An amendment of the Workmen's Compensation Act has also been recommended so as to enable a workman sustaining injury from an accident, to receive compensation from the date of accident, instead of after a "waiting period" of

seven days. This recommendation has also been pressed by the Labour Welfare Board. Proposals in this behalf will be placed before the Representative Assembly at its next session.

The revision of the arrangements relating to silicosis is under the consideration of the Government.

It has been suggested that the Commissioner of Labour to be appointed should assist workmen in cases under the Workmen's Compensation Act where necessary. Suitable instructions have been issued to the Commissioner of Labour in this matter by the Government.

In regard to the extension of the Mysore Maternity Benefit Act, 1937, proposals will be placed before the Representative Assembly at its next session.

Section 3 of Act XIII of 1938 amending the Code of Civil Procedure about the attachment of wages of labourers by Civil Courts has been repealed by the Amending Act IV of 1940.

Mr. Matthan brings to the notice of the Government that the labourers on the Field do not appear to be generally aware of the several salutary provisions of the Money Lenders Act (XIII of 1939) and suggests the desirability of giving wide publicity to them among the labour population. The Act has been given such publicity. Government hope that the Labour Associations which have been since formed in each of the Mines, will not take action to make the labourers acquainted with the benefits accruing under the Act.

The above review indicates the progress that has been achieved and the details of other measures in progress or under examination. Government desire to record their appreciation of the active steps taken by the Mining Companies in respect of several of the recommendations. They hope that the Companies will come to prompt decisions in regard to the matters still under examination. Government also hope that the machinery created by the Labour Act will make for an increasing measure of cordiality, good will and mutual discussion between the employers and employees and secure amicable settlement of points of difference that may arise from time to time.

In conclusion, Government desire to place on record their high appreciation of the labours of *Rajamantrapravina Diwan Bahadur* K. Matthan and to convey their thanks to him for the very valuable recommendations he has made in regard to the improvement of conditions of labour on the Kolar Gold Field.

V. VEDAVYASACHARYA,
Secretary to Government,
Development Department.

To—The Commissioner of Labour in Mysore.
The Deputy Commissioner, Kolar District.
The Chief Inspector of Mines and Explosives in Mysore.
The Secretary, Messrs. John Taylor & Sons Committee, with a covering letter.
Rajamantrapravina Diwan Bahadur K. Matthan, with a covering letter.
PRESS TABLE.

Rd.—C. K.

APPENDIX.

Recommendations.	*Action taken or proposed to be taken.*
1. The minimum daily wage of an underground labourer should be 12 annas, of a surface labourer 9 annas and of an underground skilled workman Re. 1.	The monthly attendance bonus has been increased. The companies are not in favour of a general increase in wages and point out that with the recent increase in attendance bonus the average daily earnings of an underground employee approximates to one rupee.
2. Periodical increments of wages according to sanctioned scales should be granted.	The companies state that periodical increments are given freely in all deserving cases.
3. Attendance bonus should not be forfeited if the workman is prevented by accident or illness from putting in the minimum attendance laid down for earning the bonus.	The rules have been liberalised in this respect from the 1st January 1942.
It is preferable to merge the attendance bonus in the regular wage and to encourage regular attendance in other ways.	The suggestion is not acceptable to the mining companies.
4. Outfit for underground work should be given free of cost.	The companies have sanctioned a scheme for the grant of a cash allowance of Rs. 3 per half-year towards standard equipment of underground employees from 1st March 1941.
5. *Annual leave.*—Underground employees should be given three weeks annual leave with pay and surface workers two weeks' annual leave with pay. This may be limited to employees who have put in continuous service for two years. Sick leave taken during the year may be deducted from the period of annual holidays.	The companies have sanctioned a scheme in this respect from 1st January 1942.
6. *Holidays for religious observances, feasts and festivals.*—Three days' leave in a year with pay should be given uniformly.	The companies agree with the principle underlying this recommendation. They state that they have not yet been able to evolve a practicable scheme for adoption and that the existing arrangements would be continued and improved if possible.
7. Employees who have put in regular service for some years should be eligible to get leave without pay up to two months for attending to their private affairs.	Leave is being granted in such cases at the discretion of the Superintendent of the company concerned.
8. A few more electric lights, water taps, bathing places and latrines should be provided in the cooly lines.	The companies state that everything possible has been done and will continue to be done and that welfare work on a considerable scale has been in progress on the Field for several years.
9. Seven thousand additional huts should be provided. The thatti walls of the existing huts should be replaced by masonry or concrete walls.	The companies have taken in hand the construction of an additional 1,500 concrete huts to be completed within a period of two years. They urge for reasons stated that they cannot commit themselves to undertake construction beyond the present sanctioned programme.
10. Payment of compensation under the Workmen's Compensation Act should not disentitle a workman to the service gratuity he has earned.	The companies have sanctioned a scheme in this respect from the 1st August 1941.

No. D. 6588-6—I & C 85-40-34, DATED 17TH APRIL 1942.

Recommendations	*Action taken or proposed to be taken*
11. A workman leaving the service after certain number of years should be entitled to receive the service gratuity irrespective of his leaving on account of unfitness or otherwise.	The companies state that these points are still under their consideration. The Government hope that existing rules will be liberalised on the lines indicated and that the companies will take an early decision in the matter.
12. Service gratuity should be calculated at half a month's wage for every year of service, and the period entitling an underground workman for service gratuity should be reduced from 10 to 5 years. The wage for calculation of service gratuity should be inclusive of the attendance bonus.	
13. If a workman dies, his dependents should be eligible for service gratuity.	
14. A provident fund scheme on a contributory basis is preferable to the present scheme of service gratuity.	The companies disagree with the suggestion in view of the practical difficulties involved in its working.
15. The present system of contract labour for underground work should be gradually replaced by the system of such work being done on a co-operative benefit basis.	The companies state that efforts made in this direction in the past failed to achieve satisfactory results and that they are not in favour of changing the present system.
16. Labour associations should be allowed and be given recognition.	The Mysore Labour Act, has now been placed permanently on the statute book. The Director of Industrial Planning and Chief Inspector of Factories has been appointed the Commissioner of Labour in Mysore and an Assistant Commissioner of Labour has been stationed on the Field.
17. Trade Unions and Trade Disputes legislation should be enacted.	
18. The Trade Union movement should be guided and not suppressed.	
19. A Labour Commissioner should be appointed for the Kolar Gold Field to guide the Trade Union movement.	
20. The Mysore Mines Act should be amended to provide for— (1) ensuring the health and convenience of the workers as well as their safety ; (2) fixing the maximum hours of work and giving extra wages for overtime ; (3) granting a compulsory weekly holiday for rest ; (4) prohibiting employment of women and children underground and regulating their employment on surface.	The recommendations about the Mysore Mines Act are under examination.
21. Section 17 of the Mysore Mines Act should be repealed, or, if it is retained, adequate safeguards should be provided.	
22. The Workmen's Compensation Act should be amended so as to enable a workman sustaining injury from the accident to receive compensation from the date of accident instead of after a "Waiting period" of seven days.	Proposals in this behalf will be placed before the Representative Assembly at its next Session.
23. Sick pay should be given when it is more than the allowance admissible under the Workmen's Compensation Act.	The companies point out that their sick pay scheme is entirely unrelated to the scheme of compensation under the Workmen's Compensation Act.
24. The Labour Commissioner should assist workmen in regard to cases under Workmen's Compensation Act.	The Government have issued suitable instructions to the Commissioner of Labour in this matter.
25. When a workman is discharged on account of physical unfitness, a copy of the medical report should be furnished to him.	The companies state that copies of such reports are furnished on application.

Recommendations	*Action taken or proposed to be taken*
26. The question of enacting separate legislation for dealing with cases of silicosis or miner's phthisis should be examined.	This is under the consideration of Government.
27. The Mysore Maternity Benefit Act should be made applicable to the women employees of the Mining Companies.	Proposals will be placed before the Representative Assembly at its next Session.
28. Section 3 of Act XIII of 1938 amending the Code of Civil Procedure should be repealed.	This has been repealed by amending Act IV of 1940.
29. The provisions of the Mysore Money Lenders Act should be given wide publicity among the labour population.	This has been done.
30. A welfare officer should be a man with a missionary fervour who can enter into the problems of Indian life, environment and sentiments and he should be a man able to speak the local language.	The companies point out that there is a welfare officer on the Field who has been dealing with these problems for several years now.
31. A few dispensaries for women and children should be established at convenient centres in the cooly lines, with a few qualified Indian lady doctors.	The question will be further examined by the Senior Surgeon in Mysore in consultation with the Kolar Gold Field Sanitary Board and the mining companies.

Statement of objects and reasons.

******

Under Section 4 (i) D of the Workmen's Compensation Act XIV of 1928, compensation to injured workmen becomes payable only after the expiry of a waiting period of seven days from the date of disablement. Representations have been made both by injured workmen and those interested in Labour Welfare that non-payment of any compensation during the waiting period of seven days acts as a great hardship to injured workmen and it has been urged that the relative section of the Wormen's Compensation Act should be suitably amended so as to afford relief to them from the date of disablement.

The Labour Welfare Board has considered the question in detail and recommended that section 4 (1) D of the Workmen's Compensation Act be amended so as to provide for ~~making half monthly payments to injured workmen under medical treatment~~ payment of compensation as from the date of injury to persons who suffer injuries resulting in temporary disablement for a period exceeding seven days. This is also one of the measures recommended for adoption by Rajamantrapravina Diwan Bahadur K.Matthan in his Report on labour conditions on the Kolar Gold Field.

Section 4 (1) D is accordingly proposed to be amended to provide for the grant of such relief to injured workmen.

Even then, compensation is paid in respect of the embargement period only, and for the waiting period

UG
5/5/47

THE WORKMEN'S COMPENSATION (amendment)BILL

Whereas it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1 (1). This Act may be called the Workmen's Compensation (amendment) Act, 194....

(2). It shall come into force at once.

2. In paragraph ~~(d)~~ (D) of subsection (1) of section 4 of the Workmen's Compensation Act, 1928,--

(a) for the words "after the expiry of a ~~certain~~ waiting period of 7 days from the date of disablement" the words "after the date of disablement" shall be inserted; and

(b) Provisos (a) and (b) to this paragraph shall be renumbered as (b) and (c) and before proviso (b) as so renumbered the following proviso shall be inserted, namely--

"(a) ~~No~~ no sum shall be payable as compensation where the disablement ceases within 7 days from the date of ~~such disablement~~ the accident; and"

No. R. L. 2577, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Workmen's Compensation (Amendment) Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Statement of Objects and Reasons.

Under Section 4 (1) D of the Workmen's Compensation Act XIV of the 1929, compensation to injured workmen becomes payable only after the expiry of a waiting period of seven days from the date of disablement. Even then, compensation is paid in respect of the subsequent period only, and not for the waiting period. Representations have been made both by injured workmen and those interested in Labour Welfare that non-payment of any compensation during the waiting period of seven days acts as a great hardship to injured workmen and it has been urged that the relative section of the Workmen's Compensation Act should be suitably amended so as to afford relief to them from the date of disablement.

The Labour Welfare Board has considered the question in detail and recommended that Section 4 (1) D of the Workmen's Compensation Act be amended so as to provide for payment of compensation as from the date of injury, to per sons who sulfer injuries resulting in temporary disablement for a period exceeding seven days. This is also one of the measures recommended for adoption by *Rajamantrapravina Diwan Bahadur* K. Matthan in his report on labour conditions on the Kolar Gold Field.

Section 4 (1) D is accordingly proposed to be amended to provide for the grant of such relief to injured workmen.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 194.

(2) It shall come into force at once.

2. In paragraph D of sub-section (1) of Section 4 of the Workmen's Compensation Act, 1928—

(*a*) For the words "after the expiry of a waiting period of seven days from the date of disablement" the words "after the date of disablement" shall be inserted; and

(*b*) Provisos (*a*) and (*b*) to this paragraph shall be renumbered as (*b*) and (*c*) and before proviso (*b*) as so renumbered, the following proviso shall be inserted, namely—

"(*a*) no sum shall be payable as compensation where the disablement ceases within seven days from the date of the accident; and"

IV day
IV turn
KRH.

THE WORKMEN'S COMPENSATIO (AMENDMENT) BILL.

Mr. V. Vedavyasacharya (Secretary to Government, Development Department) explained the general principles of the Bill as follows:—

(Here enter)

VASA RAO said that if the labourer 4 days, it was proper that he should or those 4 days also.

Mr. T.K. PERUMALL also supported this view.

Mr. V. Vedavyasacharya replied that that was a different principle altogether.

Rao Bahadur M. RAMASWAMY supported the Bill.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that the Bill before the House only provided for the payment of compensation for the period of disablement including the waiting period of 7 days. In addition to this, the Member suggested that the wages for these days worked also might be paid in addition to compensation due under the Bill.

Mr. B.S. CHANDRASEKHARA RAO supported the Bill.

Mr.K. CHENGALARAYA REDDY said that he was anxious to hear the views of the Kolar Gold Field Representative on this Bill and hoped that the management of the Mines would accord their full support to this Bill.

In Proviso (a) it was stated that no sum should be payable as compensation where the disablement ceased within seven days from the date of the accident. Originally, the period of disablement was fixed at 10 days for purposes of awarding compensation, and later on that had been reduced to 7 days. But the speaker was of opinion that even if the period of disablement be less than 7 days, compensation should be paid to the injured workmen.

Mr. KHAJI SYED YUSUF said that though they were not prepared to pay compensation to injured workers if the period of disablement was less than 7 days, they should consider at least the question of paying wages to them for such days.

Mr. Francis EMILY STUDER said that the proviso (a) now proposed to be included in the bill should remain. Otherwise it would encourage malingering.

Mr. V. VENKATAPPA felt that proviso (a) should be removed from the Bill.

Mr.S.N.M. RAZVI wanted to know whether this Bill related to daily wages or included piece work also.

Rajasevaprasakta A.V. RAMANATHAN (Minister for Law) replying to the debate, said that the amendment before them was a very important one which was meant to be introduced into the Workmen's Compensation Act. One of the members had remarked that if the proviso was deleted, it would encourage malingering. He endorsed this view. Originally, in cases of disablement compensation was not being paid for the first 15 days, but only from the 16th day onwards. Later on, the period of disablement was reduced to 10 days and subsequently to 7 days. Some members wanted that wages should also be given for workmen for those days when they were undergoing treatment for injuries in the hospital. It was not possible to agree to that suggestion. If a workman was able to attend to work despite his injuries, he would be paid his wages, but he would not be entitled to compensation at all. The existing rule was that an employer would not be liable in respect of any injury which did not result in total or partial disablement of the workman for a period of 7 days. And if the disablement continued after 7 days, the workman was entitled to compensation from the 7th day onwards. But the recommendation was that in such cases compensation should be given to workmen from the date of injury itself. The present amendment was brought with a view to give effect to this recommendation.

Another member referred to piece work and wanted to know whether this applied to them also. So far as piece work was concerned, wages would be calculated according to settlement of wages provision, and the piece-workers no doubt came within the purview of this Bill.

With regard to the suggestion that wages should also be paid for the 7 days, the Minister said that it amounted to a different principle which was not provided in the present amendment. The present amendment only intended to make a

provision for giving compensation for the first 7 days only.

The principles of the Bill were thereupon put and passed unanimously.

Mr.K. CHENNAIAH REDDY suggested that the practice of the Ministers introducing the Bills as in other legislative bodies should be adopted in the Assembly also. He had made a similar suggestion on the previous occasion, and requested that it might be brought into effect from now.

The PRESIDENT observed that the existing practice might be followed during the present session.

Mr. K. HANUMANTHIAH wanted to know whether the Prison Reforms Bills would be taken up for discussion.

The PRESIDENT observed that at the rate of progress now being made, he was doubtful if there would be time enough for discussing those Bills. It was therefore desirable to finish the short bills first.

No. R. L. 2577, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Workmen's Compensation (Amendment) Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Statement of Objects and Reasons.

Under Section 4 (1) D of the Workmen's Compensation Act XIV of the 1929, compensation to injured workmen becomes payable only after the expiry of a waiting period of seven days from the date of disablement. Even then, compensation is paid in respect of the subsequent period only, and not for the waiting period. Representations have been made both by injured workmen and those interested in Labour Welfare that non-payment of any compensation during the waiting period of seven days acts as a great hardship to injured workmen and it has been urged that the relative section of the Workmen's Compensation Act should be suitably amended so as to afford relief to them from the date of disablement.

The Labour Welfare Board has considered the question in detail and recommended that Section 4 (1) D of the Workmen's Compensation Act be amended so as to provide for payment of compensation as from the date of injury, to per sons who suffer injuries resulting in temporary lisablement for a period exceeding seven days. This is also one of the measures recommended for adoption by *Rajamantrapravina Diwan Bahadur* K. Matthan in his report on labour conditions on the Kolar Gold Field.

Section 4 (1) D is accordingly proposed to be amended to provide for the grant of such relief to injured workmen.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 194.

(2) It shall come into force at once.

2. In paragraph D of sub-section (1) of Section 4 of the Workmen's Compensation Act, 1928—

(*a*) For the words "after the expiry of a waiting period of seven days from the date of disablement" the words "after the date of disablement" shall be inserted; and

(*b*) Provisos (*a*) and (*b*) to this paragraph shall be renumbered as (*b*) and (*c*) and before proviso (*b*) as so renumbered, the following proviso shall be inserted, namely—

"(*a*) no sum shall be payable as compensation where the disablement ceases within seven days from the date of the accident; and"

D. H. Chandrasekharan
27/6/46
President, Legislative Co

THE WORKMEN'S COMPENSATION (Amendment) BILL.

Sir,-- I beg to ~~introduce~~ move that the Workmen's Compensation (Amendment) Bill ~~and to move that the Bill,~~ published under rule 36 of the Mysore Legislative Rules, be taken into consideration by the Council at once.

This is another Bill intended to ameliorate the condition of workmen.

This Bill seeks to amend the Workmen's Compensation Act in only one particular. Under the principal Act, compensation is payable to a workman who has been injured and suffers temporary disablement as a result of an accident, only from the eighth day fr the day of disablement. No compensation is payable in respect of the first seven days which are known a the "waiting period". Representations have been made to Government that compensation should be paid from the day of the accident. Rajamantrapravina Diwan Bahadur K. Matthan, in his report on the labo conditions on the Kolar Gold Fields, has also recom mended that compensation should be paid from the da of the accident. Government promised, in passing orders on that report, that they would place propo sals in this behalf before the Representative Asse bly.

The present Bill is introduced with this pur pose. Under this amendment, where the injury to workman disables him for a period exceeding seven days, he becomes entitled to compensation from th date of disablement. The Representative Assembly in its recent session approved of the Bill. I am sure this measure will have the support of this House also.

I move that the Bill be taken into considera· tion.

THE MYSORE LEGISLATIVE COUNCIL

BUDGET SESSION, 1942.

AMENDMENTS WITHIN THE PERIOD OF NOTICE TO THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

(To be moved at the meeting of the Legislative Council to be held on..... after the motion that the Bill be taken into consideration is carried.

CLAUSE 2.

By Mr. Benn White.—

That the wording of the relative paragraph D of sub-section (1) of section 4 be amended to read as follows :—

D(*a*) Where temporary disablement of a duration exceeding 14 days, whether total or partial, results from injury, a half-monthly payment payable on the sixteenth day after the date of the disablement or during a period of five years, whichever period is shorter, and

(*b*) where temporary disablement exceeds seven days but ceases within fourteen days, payment calculated from and including the eighth day after the date of disablement,

(*i*) and (*ii*) as prescribed in the Act :

Provided that—

(*a*) no sum shall be payable as compensation where the disablement ceases within seven days from the date of disablement;

(*b*) and (*c*) as formerly prescribed in the Act under provisos (*a*) and (*b*).

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 9-42-1 Dated, Bangalore, 7th July 1942

Ordered that the accompanying Workmen's compensation (Amendment) Act, 1942

which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXX of 1942, in the *Mysore Gazette*, for general information.

CCS

General Secretary to Government.

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Sect...

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

Order No. ~~R.I.D.~~ Legis. ~~9-42-1~~ 9-42-1 Dated, Bangalore, ~~20th~~ 20th July 1942.

Ordered that the accompanying Workmen's Compensation (Amendment) Act, 1942, which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. ~~XX~~ of 1942, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

32

Act No ~~XXXI~~ of 1942

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Act, 1942

Received the assent of His Highness the Rajpramukh on the 7th day of July 1942)

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 194.

(2) It shall come into force at once.

2. In paragraph D of sub-section (1) of Section 4 of the Workmen's Compensation Act, 1928—

(*a*) For the words "after the expiry of a waiting period of seven days from the date of disablement" the words "after the date of disablement" shall be inserted; and

(*b*) Provisos (*a*) and (*b*) to this paragraph shall be renumbered as (*b*) and (*c*) and before proviso (*b*) as so renumbered, the following proviso shall be inserted, namely—

"(*a*) no sum shall be payable as compensation where the disablement ceases within seven days from the date of the accident; and"

(Sd) N. Madhava Rau,
Dewan

No. R. L. 2577, *dated Bangalore, the* 6*th June* 1942.

Under the provisions of Rule 36 of the Mysore egislative Rules, 1941, the Dewan has been pleased to rder the publication in the Gazette of the undermentioned Vorkmen's Compensation (Amendment) Bill, together ith the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Statement of Objects and Reasons.

Under Section 4 (1) D of the Workmen's Compensa tion Act XIV of the 1929, compensation to injured work men becomes payable only after the expiry of a waitin period of seven days from the date of disablement. Eve then, compensation is paid in respect of the subsequen period only, and not for the waiting period. Represents tions have been made both by injured workmen and thos interested in Labour Welfare that non-payment of an compensation during the waiting period of seven days ac as a great hardship to injured workmen and it has bee urged that the relative section of the Workmen's Compe sation Act should be suitably amended so as to affo relief to them from the date of disablement.

The Labour Welfare Board has considered the questi in detail and recommended that Section 4 (1) D of t Workmen's Compensation Act be amended so as to provi for payment of compensation as from the date of inju to per sons who suffer injuries resulting in tempora disablement for a period exceeding seven days. This also one of the measures recommended for adoption *Rajamantrapravina Diwan Bahadur* K. Matthan in 1 report on labour conditions on the Kolar Gold Field.

Section 4 (1) D is accordingly proposed to be amend to provide for the grant of such relief to injured workm

NOTIFICATION.

Order No. Rl. 103—*Legis.* 9-42-1, *dated Bangalore, the* 22*nd July* 1942.

Ordered that the accompanying Workmen's Compensation (Amendment): Act, 1942, which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXX of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XXX OF 1942.

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1942.

(*Received the assent of His Highness the Maharaja on the seventh day of July* 1942.)

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1942.

(2) It shall come into force at once.

2. In paragraph D of sub-section (1) of Section 4 of the Workmen's Compensation Act, 1928—

(*a*) For the words "after the expiry of a waiting period of seven days from the date of disablement" the words "after the date of disablement" shall be inserted; and

(*b*) Provisos (*a*) and (*b*) to this paragraph shall be renumbered as (*b*) and (*c*) and before proviso (*b*) as so renumbered, the following proviso shall be inserted, namely—

"(*a*) no sum shall be payable as compensation where the disablement ceases within seven days from the date of the accident; and"

N. MADHAVA RAU,
Dewan.

ACT No. XIV OF 1928.

(AS AMENDED BY ACT III OF 1936.)

AN ACT TO PROVIDE FOR THE PAYMENT BY CERTAIN CLASSES OF EMPLOYERS TO THEIR WORKMEN OF COMPENSATION FOR INJURY BY ACCIDENT

NOTIFICATION.

Order No. P. 212—*Legis.* 10-39-1, *dated Bangalore, the* 12*th July* 1939.

Ordered that the accompanying Act further to amend the Workmen's Compensation Act, 1928, which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as Act No. XIX of 1939, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XIX OF 1939.

An Act further to amend the Workmen's Compensation Act, 1928.

(*Received the assent of His Highness the Maharaja on the third day of July 1939.*)

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Workmen's Compensation (amendment) Act, 1939. Short title.

2. In section 2 (*j*) of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act), the following shall be substituted for the existing proviso, namely,— Amendment of section 2 of Act XIV of 1928.

"Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury or combination of injuries specified in Schedule 1 where the percentage or aggregate percentage of the loss of earning capacity, as specified in that Schedule against such injury or injuries, amounts to one hundred per cent;"

3. To section 31 of the said Act, the following shall be added as sub-section (3) thereof, namely,— Amendment of section 31 of Act XIV of 1928.

"(3) Rules made under this Act may provide that any contravention of such rules shall

render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees."

Amendment of Schedule I of Act XIV of 1928.

4. To Schedule 1 of the said Act, the following shall be added in the respective columns shown therein, namely :—

Injury	Percentage of loss of earning capacity
Silicosis in the ante-primary stage	20 per cent
Do primary stage ..	30 do
Do secondary stage	100 do

MIRZA M. ISMAIL,
Dewan.

Price: 0-0-3.

NOTIFICATION.

Order No. P. 212—Legis. 10-39-1, dated Bangalore, the 12th July 1939.

Ordered that the accompanying Act further to amend the Workmen's Compensation Act, 1928, which received the assent of His Highness the Maharaja, on the third day of July 1939, be published as Act No. XIX of 1939, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. XIX OF 1939.

An Act further to amend the Workmen's Compensation Act, 1928.

(Received the assent of His Highness the Maharaja on the third day of July 1939.)

WHEREAS it is expedient further to amend the Workmen's Compensation Act, 1928, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Workmen's Compensation (amendment) Act, 1939.

Amendment of section 2 of Act XIV of 1928.

2. In section 2 (*j*) of the Workmen's Compensation Act, 1928 (hereinafter referred to as the said Act), the following shall be substituted for the existing proviso, namely,—

"Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury or combination of injuries specified in Schedule 1 where the percentage or aggregate percentage of the loss of earning capacity, as specified in that Schedule against such injury or injuries, amounts to one hundred per cent;"

Amendment of section 31 of Act XIV of 1928.

3. To section 31 of the said Act, the following shall be added as sub-section (3) thereof, namely,—

"(3) Rules made under this Act may provide that any contravention of such rules shall

render the offender liable, on conviction before a magistrate, to a fine not exceeding one hundred rupees."

Amendment of Schedule I of Act XIV of 1928.

4. To Schedule I of the said Act, the following shall be added in the respective columns shown therein, namely :—

Injury			Percentage of loss of earning capacity
Silicosis in the ante-primary stage		....	20 per cent
Do	primary stage	..	30 do
Do	secondary stage	....	100 do

MIRZA M. ISMAIL,
Dewan.

Price: 0-0-3.

ACT No. XIV OF 1928.

(Received the assent of His Highness the Maharaja on the fourth day of July 1928.)

(As amended by Act III of 1936.)

AN ACT TO PROVIDE FOR THE PAYMENT BY CERTAIN CLASSES OF EMPLOYERS TO THEIR WORKMEN OF COMPENSATION FOR INJURY BY ACCIDENT.

Whereas it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident; it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Act may be called the Workmen's Compensation Act, 1928.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, direct.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context,—

(*a*) "adult" and "minor" means respectively a person who is not and a person who is under the age of fifteen years;

(*b*) "commissioner" means, a Commissioner for Workmen's Compensation appointed under section 19;

(*c*) "compensation" means compensation as provided for by this Act.

*(*d*) "dependant" means any of the following relatives of a deceased workman, namely—

(i) a wife, a minor legitimate son, a minor adopted son and unmarried legitimate daughter, or a widowed mother; and

(ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent.

* This clause was substituted by Sec. 2 of the Workmen's Compensation (Amendment) Act III of 1936.

(*e*) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship means such other person while the workman is working for him;

(*f*) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;

(*g*) "partial disablement" means where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

(*h*) "prescribed" means prescribed by rules made under this Act.

(*i*) "qualified medical practitioner" means any person declared by the Government by notification in the official Gazette to be a qualified medical practitioner for the purposes of this Act.

(*j*) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent;

(*k*) "wages" includes any privilege or benefit which is capable of being estimated in money, other than travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum

paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

(*l*) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is :—

(*i*) a railway servant as defined in section 3 of the Mysore Railways Act, 1894, not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(*ii*) employed, * on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing, but does not include any person working in the capacity of a member of the Mysore State and Palace Troops ; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department of the Government shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

† (3) The Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention so to do may, by a like notification, add to Schedule II any class of persons employed in any occupation which it is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply to such classes of persons :

Provided that in making such additions the Government may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.

(*) The words " either by way of Manual labour or" were omitted by section 2 (a) (ii) of the Workmen's Compensation (Amendment) Act III of 1936.

(†) This clause was substituted by section 2 (b) of the Workmen's Compensation (Amendment) Act III of 1936.

CHAPTER II.

WORKMEN'S COMPENSATION.

Employer's liability for compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :—

Provided that the employer shall not be so liable :—

(*a*) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding * seven days;

(*b*) in respect of any ** injury not resulting in death caused by an accident which is directly attributable to—

(*i*) the workman having been at the time thereof under the influence of drink or drugs, or

(*ii*) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(*iii*) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen ; †

(2) If a workman employed in any employment involving the handling of wool, hair, bristles, †† or animal carcasses or parts of such carcasses, or in the loading, unloading or transport of any merchandise or in any work in connection with animals infected with anthrax, †† contracts the disease of anthrax, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident

(*) The word " seven " was substituted for " ten " by section 3 (a) of the Workmen's Compensation (Amendment) Act, 1936.

(**) These words were substituted for the words "injury to workman resulting from " by section 3 (ii) of the Workmen's Compensation (Amendment) Act, 1936.

(†) The word " or " and the clause (C) were omitted by section 3 (a) (iii) of the Workmen's Compensation (Amendment) Act, 1936.

(††) These words were substituted for the original words by section 3 (b) of the Workmen's Compensation (Amendment) Act 1936.

within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purposes of this section, a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

* (2-A) Notwithstanding anything contained in sub-section (1), a right to compensation in respect of any occupational disease specified in Schedule III shall be conditional on compliance with such requirements as may be prescribed in regard to medical examination of workmen and autopsy on the body of deceased workmen.

(3) The Government after giving by notification in the official Gazette not less than three months' notice of their intention so to do may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments, respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is† directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of an injury, if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of Law in respect of any injury—

(*a*) If he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(*b*) if an agreement has been come to between the workman and his employer providing for the payment of

* This sub-section was inserted by section 3 (b) of the Workmen's Compensation (Amendment) Act, 1936.

† The words "solely and" were omitted by section 3 (a) of the Workmen's Compensation (Amendment) Act, 1936.

compensation in respect of the injury in accordance with the provisions of this Act.

Amount of compensation.

4. (1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely :—

A. Where death results from the injury,—

* (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and ;

(*ii*) in the case of a minor, two hundred rupees ;

B. Where permanent total disablement results from the injury, —

† (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees : †

C. Where permanent partial disablement results from the injury—

(*i*) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(*ii*) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury ;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable, if permanent total disablement had resulted from the injuries.

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment

* This clause was substituted by section 4 (a) of the Workmen's Compensation (Amendment) Act, 1936.

† These clauses were substituted by section 4 (b) of the Workmen's Compensation (Amendment) Act, 1936.

payable on the sixteenth day after the expiry of a waiting period of *seven days from the date of the disablement and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,

†(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

(ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that (*a*) there shall be deducted from any lumpsum or half-monthly payments to which the workman is entitled, the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lumpsum or the first half-monthly payment, as the case may be; and

(*b*) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.†

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

Method of calculating wages.

5.‡ In this Act, monthly wages mean the wages of a workman by whatever period paid and‡ shall be calculated as follows, namely:—

(*a*) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer, who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

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* The word "seven" was substituted for the word "ten" by Section 4 (c) of the Workmen's Compensation (Amendment) Act, 1936.

† These clauses and the proviso were substituted by section 4 (c) (ii) of the Workmen's Compensation (Amendment) Act, 1936.

‡ These words were substituted by section 5 of the Workmen's Compensation (Amendment) Act, 1936.

* (*b*) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;

† (*c*) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period:

* * *

Explanation.—A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

Review.

6. (1) Any half monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lumpsum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

Commutation of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties, or if the parties cannot

* This clause was inserted by section 5 (ii) of the Workmen's Compensation (Amendment) Act, 1936.

† This was re-lettered as (c) by section 5 (iii) of the Workmen's Compensation (Amendment) Act, 1936.

** Proviso was omitted by section 5 (iv) of the Workmen's Compensation Amendment) Act, 1936.

agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lumpsum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution of compensation.

8. * (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lumpsum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation:

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of fifty rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer,

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him; * and

(4) On the deposit of any money under sub-section (1)† as compensation in respect of a deceased workman, the Commissioner ‡ shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding § twenty-five rupees, and pay the same to the person by whom such expenses were incurred and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit calling upon the dependants to appear before him on such date as he may fix for determining the distribution of compensation. If the Commissioner is satisfied after any enquiry which he may deem necessary

* These sub-sections were substituted by section 6 (a) of the Workmen's Compensation (Amendment) Act, 1936.

† These words were inserted by section 6 (b) of the Workmen's Compensation (Amendment) Act, 1936.

‡ The word "shall" was substituted for the word 'may' by section 6 b (ii) of the Workmen's Compensation (Amendment) Act, 1936.

§ The word "twenty-five" were substituted for the word 'fifty' by section 6 b (iii) of the Workmen's Compensation (Amendment) Act, 1936.

that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid.

The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

*(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

*(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.

*(7) Where any lumpsum deposited with the Commissioner is payable to a woman, or a person under legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

**(8) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case :

* Those sub-sections were substituted by section 6 (c) of the Workmen's Compensation (Amendment) Act, 1986.

** This was re-numberd as 8 by by section 6 (d) of the Workmen's Compensation (Amendment) Act, 1986.

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

*(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 30.

Compensation not to be assigned, attached or charged.

9. Save as provided by this Act, no lumpsum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Notice and claim.

10. (1) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or, in case of death, within six months from the date of death :

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease :

**Provided further that the want of or any defec tor irregularity in a notice shall not be a bar to the maintenance of proceedings —

(*a*) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under

* This was inserted by section 6 (e) of the Workmen's Compensation (Amendment) Act, 1936.

** This proviso was inserted by section 7 (a) of the Workmen's Compensation (Amendment) Act, 1936.

the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(*b*) if the employer had knowledge of the accident from any other source at or about the time when it occurred:

Provided further that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person directly responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

*(3) The Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served or, where a notice-book is maintained, by entry in the notice-book.*

**10-A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending

* These sub-sections were inserted by Section 7 (b) of the Workmen's Compensation (Amendment) Act, 1936.

** Sections 10A and 10B were inserted by section 8 of the Workmen's Compensation (Amendment) Act, 1936.

the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liablity, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

Reports of fatal accidents.

10-B. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death :

Provided that where the Government has so prescribed, the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) The Government may by notification in the official Gazette, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.

Medical Examination.

11. (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Act shall, if so required, submit himself for such examination from time to time :

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for a medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended, under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

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Contracting.

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, *or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section, he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation,* and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of employer against strangers.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the

* These words were inserted by section 9 of the Workmen's Compensation (Amendment) Act 1936.

compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of employer.

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 61 of the Mysore Insolvency Act, 1925, or under section 230 of the Mysore Companies Act, 1917, are in the distribution of the property of an insolvent or in the distribution of the assets of a

company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lumpsum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Returns as to compensation.

15. The Government may, by notification in the official Gazette, direct that every person employing workmen, or any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Government may direct.

Contracting out.

16. Any contract or agreement whether made before or after the commencement of this Act, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

Proof of age.

17. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Act, 1914, before the occurrence of

the injury shall be conclusive proof of the age of such person.

* 17-A. (1) Whoever—

(*a*) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or

(*b*) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of section 10-A, or

(*c*) fails to send a report which he is required to make under section 10-B, or

(*d*) fails to make a return which he is required to make under section 15, shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER III.

COMMISSIONERS.

Reference to Commissioners.

18. (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman, or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a† Commissioner.

(2) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

Appointment of Commissioners.

19. (1) The Government may, by notification in the official Gazette, appoint the Director of Industries and Commerce or a Deputy Commissioner or a District Judge to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

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* This section was inserted by section 10 of the Workmen's Compensation (Amendment) Act, 1936.

† The word "a" was substituted for "the" by section 11 of the Workmen's Compensation (Amendment) Act, 1936.

**(2) Where more than one Commissioner has been appointed for any local area, the Government may, by general or special order, regulate the distribution of business between them; and

***(3) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

***(4) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code, as it is in force in Mysore.

Venue of proceedings and transfer

20. (1) Where any matter is under this Act to be done by or before a Commissioner the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before a † commissioner for the local area in which the accident took place which resulted in the injury.

(2) If a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that no matter other than a matter relating to the actual payment to workman or the distribution among dependants of a lumpsum shall be transferred for disposal under this sub-section to another Commissioner save with the previous sanction of the Government, unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was

** This sub-section was inserted by section 12 (a) of the Workmen's Compensation (Amendment) Act, 1936.

*** Were renumbered by section 12 (b) of the Workmen's Compensation (Amendment) Act, 1936.

† The word "a" was substituted for "the" by section 13 of the Workmen's Compensation (Amendment) Act, 1936.

transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

*(5) The Government may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.

21. (1) No application for the settlement of any matter by a Commissioner,** other than an application by a dependant or dependants for compensation shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) ***An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely :—

(*a*) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims;

(*b*) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;

(*c*) the names and addresses of the parties; and

†(*d*) except in the case of an application by dependants for compensation, a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

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* This clause was inserted by section 15 (b) of the Workmen's Compensation (Amendment) Act, 1936.

** These were inserted by section 14 (a) of the Workmen's Compensation (Amendment) Act, 1936.

*** These words were substituted by section 14 (b) (i) of the Workmen's Compensation (Amendment) Act, 1936.

† This clause was substituted by section 14 (b) (ii) of the Workmen's Compensation (Amendment) Act, 1936.

Costs.

25. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Power to submit cases.

26. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Registration of agreements.

27. (1) Where the amount of any lumpsum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable * [to a woman] or a person under a legal disability, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner:

Provided that—

(*a*) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned;

(*b*) †

(*c*) the Commissioner may at any time rectify the register;

(*d*) where it appears to the Commissioner that an agreement as to the payment of a lumpsum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable ‡ to [a woman or] a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement § and may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Act, notwithstanding anything

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* These words were substituted by section 17 (a) of the Workmen's Compensation (Amendment) Act, 1936.
† This clause in the proviso was omitted by sec. 17 (b) of the Workmen's Compensation (Amendment) Act, 1936.
‡ These words were substituted by Sec. 17 *c* (1) of the Workmen's Compensation (Amendment) Act, 1936.
§ The word "and" was substituted by Sec. 17 *c* (ii) of the Workmen's Compensation (Amendment) Act, 1936.

contained in the Indian Contract Act, 1872, as extended to Mysore or in any other law for the time being in force.

Effect of failure to register agreement.

28. Where a memorandum of any agreement, the registration of which is required by section 27, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Act, and notwithstanding anything contained in the proviso to sub-section (1) of section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Appeals.

29. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely:—

(*a*) an order awarding as compensation a lumpsum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lumpsum;

(*b*) an order refusing to allow redemption of a half-monthly payment;

(*c*) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;

(*d*) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12; or

(*e*) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order such other than an order as is referred to in clause (*b*), unless the amount in dispute is not less than two hundred rupees:

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

*Provided further that no appeal by an employer under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation for an appeal under the section shall be sixty days.

(3) The provisions of section 5 of the Mysore Limitation Act, 1911, shall be applicable to appeals under this section.

Withholding of certain payments pending decision of appeal.

†29-A. Where an employer makes an appeal under clause (*a*) of sub-section (1) of section 29, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.

Recovery.

30. Any amount payable by any person under this Act, whether under an agreement for the payment of compensation or otherwise may be recovered as an arrear of land revenue.

CHAPTER IV.

RULES.

Power of the Government to make rules.

31. (1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6, when not accompanied by a medical certificate;

(*b*) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of section 11;

(*c*) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases;

*This proviso was added by section 18 of the Workmen's Compensation (Amendment) Act, 1936.

†This section was inserted by section 19 of the Workmen's Compensation (Amendment) Act, 1936.

(*d*) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;

(*e*) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;

(*f*) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;

(*g*) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;

(*h*) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same;

(*i*) for regulating the scales of costs which may be allowed in proceedings under this Act;

(*j*) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act;

(*k*) for the maintenance by Commissioners of registers and records of proceedings before them;

* (*l*) for prescribing the classes of employers who shall maintain notice books under sub-section (3) of section 10 and the form of such notice books;

(*m*) for prescribing the form of statement to be submitted by employers under section 10-A;

(*n*) for prescribing the cases in which the report referred to in section 10-B may be sent to an authority other than the Commissioner, and

(*o*) generally for carrying on all or any of the purposes of this Act.

Publication of rules.

32. (1) The power to make rules conferred by section 31 shall be subject to the condition of the rules being made after previous publication.

'(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Act,

* These clauses were inserted by section 20 of the Wor (Amendment) Act, 1926.

1899, as that after which a draft of rules proposed to be made under section 31 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Rules so made shall be published in the official Gazette, and on such publication, shall have effect as if enacted in this Act.

*32-A. The Government may by notification in the official Gazette make rules for the transfer to any part of British India or other States in India of money paid to a Commissioner under this Act for the benefit of any person residing or about to reside in such part and for the receipt and administration in Mysore of any money awarded under the law relating to workmen's compensation in any such part and applicable for the benefit of any person residing or about to reside in Mysore.

SCHEDULE I.

[*See section* 2 (1) *and* (4).]

List of injuries deemed to result in permanent partial disablement :—

Injury	Percentage of loss of earning capacity	Injury	Percentage of loss of earning capacity
Loss of right arm above or at the elbow.	70	Loss of one eye ...	30
Loss of left arm above or at the elbow.	60	Loss of thumb ...	25
Loss of right arm below the elbow.	60	Loss of all toes of one foot.	20
Loss of leg at or above the knee.	60	Loss of one phalanx of thumb.	10
Loss of left arm below the elbow.	50	Loss of index finger ...	10
Loss of leg below the knee ...	50	Loss of great toe ...	10
Permanent total loss of hearing.	50	Loss of any finger other than index finger.	5

NOTE.—Complete and permanent loss of the use of any limb or member referred in this schedule shall be deemed to be the equivalent of the loss of the limb or member.

*This clause was inserted by section 21 of the Workmen's Compensation (Amendment) Act, 1936.

SCHEDULE II.

*The following persons are workmen within the meaning of section 2 (I) (i) and subject to the provisions of that section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles used for the carriage of passengers for hire or for industrial or commercial purposes; or

(ii) employed within the meaning of clause (2) of section 2 of the Mysore Factories Act, 1914, in any place which is a factory within the meaning of sub-clause (*a*) of clause (3) of that section; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed; or

(iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed; or

(v) employed in any mine which is subject to the operation of the Mysore Mines Act, 1906;

Explanation.—A person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning, or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations.

Or

(vi) employed in the construction, repair or demolition of—

(*a*) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof; or

(*b*) any dam or embankment which is twenty feet or more in height from its lowest to its highest point; or

(*c*) any road, bridge, or tunnel; or

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*This was substituted by section 22 of the Workmen's Compensation (Amendment) Act, 1936.

(vii) employed in setting up, repairing, maintaining, or taking down any telephone line or post or any overhead electric line or cable or post or standard for the same ; or

(viii) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any ærial ropeway, canal, pipe-line, or sewer ; or

(ix) employed in the service of any fire brigade ; or

(x) employed upon a railway as defined in clause (4) of section 3, and in sub-section (1) of section 129 of the Mysore Railways Act, 1894, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration ; or

(xi) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas ; or

(xii) employed in any occupation involving blasting operations ; or

(xiii) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet ; or

(xiv) employed in the operation of any ferry boat capable of carrying more than ten persons ; or

(xv) employed, otherwise than in a clerical capacity; on any estate which is maintained for the purpose of growing coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed ; or

(xvi) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas ; or

(xvii) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures ; or

(xviii) employed in the training, keeping or working of elephants or wild animals ; or

(xix) employed as a diver.

Explanation.—In this Schedule 'the preceding twelve months' relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.

SCHADULE III.

[*See section* 3.]

List of occupational diseases.

Occupational disease	Employment
Lead poisoning or its sequelæ.	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelæ	Any process involving the use of phosphorus or its preparations or compounds.
* " Mercury poisoning or its sequelæ.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues, or the sequelæ of such poisoning.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.
Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
Compressed air illness or its sequelæ.	Any process carried on in compressed air.
Miners' phthisis or silicosis.	Any occupation wherein the mineral dust is such as to cause silicosis.
Cyanide rash ...	The handling of cyanide or any work involving the use of cyanide.

SCHEDULE IV.

(See section 4.)

Compensation Payable in certain Cases.

Monthly wages of the workman injured		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult
		Death of adult	Permanent total disablement of adult	
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. a.
0	10	500	700	Half his monthly wages
10	15	550	770	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	8 8
27	30	900	1,260	9 0
30	35	1,050	1,470	9 8
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,500	4,900	30 0
200	...	4,000	5,600	30 0

NOTIFICATION.

No. D. 8914—*I. & C.* 485-27-11, *dated*, 26*th February* 1929.

The following Rules framed under the provisions of section 31 of the Workmen's Compensation Regulation XIV of 1928 are hereby published for the information of the public. The Rules will come into force three months from the date of their publication in the Official Gazette.

By order,
N. RAMA RAO,
Secretary to Government,
Development Departments.

PRELIMINARY.

Short title. These Rules may be called the Workmen's Compensation Rules, 1929.

Definitions. 2. In these Rules, unless there in anything repugnant in the subject or context,—

(*a*) "the Regulation" means the Workmen's Compensation Regulation, 1928;

(*b*) "Form" means a form appended to these Rules;

(*c*) "Section" means a section of the Regulation.

PART I.

REVIEW OF HALF-MONTHLY PAYMENTS AND COMMUTATION THEREOF.

When application may be made without medical certificate.

3. Application for review of a half-monthly payment under section 6 may be made without being accompanied by a medical certificate:—

(*a*) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased;

(*b*) by the workman, on the ground that since the right to compensation was determined his wages have diminished;

(*c*) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation;

(*d*) by the workman, on the ground that he has ceased, since the right to compensation was determined, to be a minor, provided that a certificate of the nature referred to in section 17 or any other certificate of a qualified medical practitioner is produced in support of the application;

(*e*) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.

Procedure on application for review.

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

Procedure on application for commutation.

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments

which would be payable for the period during which he estimates that the disablement will continue, less *one half* pre cent of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

PART II.

DEPOSIT OF COMPENSATION AND REGISTRATION OF DEPENDENTS.

Deposit under section 8 (1).

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 shall furnish therewith a statement in Form A, and shall be given a receipt in Form B.

(2) If, in the statement referred to in sub-rule (1), the employer indicates that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an apportunity of establishing that the person to whom he proposes to allot such sum is not a dependent of the deceased workman, or, as the case may be, that no one of such persons is a dependent.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form C.

Publication of lists of deposits.

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the workmen in respect of whose death the deposits have been made.

Procedure where no compensation deposited.

8. (1) Where a dependent of a deceased workman claims that compensation is payable in respect of the death of the workman, and no compensation has been deposited in accordance with sub-section (1) of section 8

in respect thereof, the dependent may apply to the Commissioner for the issue of an order requiring the employer to deposit compensation in accordance with the said sub-section:

Provided that no such application shall be entertained, unless the applicant certifies therein that he has requested the employer to deposit compensation and that the employer has refused or omitted to do so.

(2) The Commissioner shall dispose of such application in accordance with the provisions of Part V of these Rules:

Provided that—

(*a*) The Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependents of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf;

(*b*) any dependent to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.

(3) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased workman who failed to join in the application.

Deposit under section 8 (2).

9. An employer depositing compensation in accordance with sub-section (2) of section 8 shall furnish therewith a statement in Form D, and shall be given a receipt in Form E.

Manner in which compensation may be invested under section 8.

10. If the Commissioner decides under sub-section (1) of section 8 that any compensation allotted under that sub-section to a dependent under a legal disability should be invested, he may invest it for the benefit of the dependent in Government securities or deposit it in a Government Savings Bank.

11. Workmen coming under the operation of the Regulation may register with their employer, and with the Commissioner within whose jurisdiction they are employed the names and addresses of their dependents within the meaning of section 2 (1) (*d*), and on such registration the Commissioner may presume that the compensation payble to dependents on the death of the said workman is to be apportioned among the persons whose names have been so registered, unless and until any claimant whose name has not been so registered has proved his title to the satisfaction of the Commissioner in an enquiry to which the persons registered have been cited as defendants.

PART III.

INQUIRY BY EMPLOYER.

Right of employer to present memorandum when notice given.

12. (1) Any employer to whom notice of an accident has been given may at any time, notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

PART IV.

MEDICAL EXAMINATION.

Workman not to be required to submit to medical examination save in accordance with Rules.

13. A workwan who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the Rules contained in this Part and not otherwise.

Examination when workman and medical practitioner are both on premises.

14. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

Examination in other cases.

15. In cases to which Rule 14 does not apply, the employer may—

(*a*) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being required to do so by the medical practitioner, or

(*b*) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that—

(*i*) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 P.M. and 6 A.M., and,

(*ii*) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

Restriction on number of examinations.

16. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

Examination after suspension of right to compensation.

17. If a workman whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman, more than 72 hours after the workman has offered himself.

Examination of women.

18. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

PART V.

PROCEDURE.

Introductory.

19. Save as otherwise provided in these Rules, the procedure to be followed by Commissioners in the disposal of cases under the Regulation or these Rules and by the parties in such cases shall be regulated in accordance with the Rules contained in this Part.

Applications.

20. (1) Any application of the nature referred to in section 21 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

(2) There shall be appended to evey such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

Examination of applicant.

21. (1) On receiving such application, the Commissioner or the officer authorised by him in this behalf under Rule 20 (1) may examine the applicant on oath.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 24.

Summary dismissal of application.

22. The Commissioner may, after considering the application and the result of any examination of the applicant under rule 21, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Preliminary inquiry into application.

23. If the application is not dismissed under rule 22, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

Notice to opposite party.

24. If the Commissioner does not dismiss the application under Rule 22 or Rule 23 he shall send to the party

from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

Appearance and examination of opposite party.

25. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed shall, proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

Framing of issues.

26. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

Power to postpone trial of issues of fact where issues of law arise.

27. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Diary.

28. The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

Reasons for postponement to be recorded.

29. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

Judgment.

30. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and

thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

Summoning of witnesses.

31. If any application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

Exemption from payment of costs.

32. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

Right of entry for local inspection.

33. A Commissioner before whom any proceeding relating to an injury by accident, is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

Procedure in connection with local inspection.

34. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writting, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee shall supply any party with copy thereof.

(5) The memorandum shall form part of the record.

Power of summary examination.

35. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced, to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of or refusal to accept, the agreement reached.

Agreement to abide by Commissioner's decision.

36. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

Procedure where indemnity is claimed under section 12 (2).

37. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person, and may set aside or vary any award made against such person under this Rule upon such terms as may be just.

(3) In any proceeding in which a notice has been served on any person under sub-rule (1), the Commissioner shall, if he awards compensation, record in his judgment a finding whether the person against whom such claim is made is or is not liable to indemnify the opposite party.

Procedure in connected cases.

38. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be

recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

Certain provisions of Code of Civil Procedure, 1911, to apply.

39. Save as otherwise expressly provided in the Regulation or these Rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1911 namely, those contained in Order V, Rules 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI Order XVII; and Order XXIII, Rules 1 to 3, shall apply to proceedings before Commissioners, in so far as they may be applicable thereto:

Provided that—

(*a*) for the purpose of facilitating the application of the said provisions, the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(*b*) the Commissioner may, for sufficient reason proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Apportionment of compensation among dependents.

40. The provisions of this Part, except those contained in Rules 24, 25 and 37 shall, as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.

PART VI.

TRANSFER.

Transfer for report.

41. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub section (2) of section 20 shall, along with the document referred to in that sub-section, transmit to such other Commissioner a concise statement in the form of question for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

42. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 20 shall be transmitted either by remittance transfer receipt or by money order, or by messenger, as the Commissioner transmitting the money may direct. Transmission of money.

PART VII.

Appointment of Representatives.

43. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purposes of the proceeding. When representative must be appointed.

44. If the Commissioner considers that the interests of any party for whom a representative has been appointed under Rule 43 are not being adequately protected by that representative, or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment. When new representative to be appointed.

PART VIII.

Record of Memoranda of Agreement.

45. Memoranda of agreement sent to the Commissioner under sub-section (1) of section 27 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with Form K or Form L or Form M as the case may be. Form of memorandum.

46. (1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed: Procedure where Commissioner does not consider that he should refuse to record memorandum.

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

Procedure where Commissioner considers he should refuse to record memorandum.

47. (1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with Rule 46.

(4) If on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

Procedure on refusal to record memorandum.

48. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above

the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

Registration of memorandum accepted for record.

49. In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register in Form R and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely:—

"This memorandum of agreement bearing Serial No. of 19 in the register has been recorded this day of

(Signature)

Commissioner."

FORM A.

[*See Rule 6.*]

DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT.

[*Section 8 (1) of the Workmen's Compensation Regulation, 1928.*]

Compensation amounting to Rs.....is hereby presented for deposit in respect of injuries resulting in the death of..... .... residing at..... .....which occurred on .....19 . His monthly wages are estimated at..... He was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of his death.

The said workman had prior to the date of his death, received the following payments, namely :—

Rs.... .....on.....Rs.....on.....
Rs.....on.....Rs.....on.....
Rs.....on.....Rs.....on.....
amounting in all to.....

.....*Employer.*

Dated.....19 .

To be added if desired.

I desire to be made a party to the proceedings for distribution of the aforesaid compensation.

.....*Employer.*

FORM B.

[*See Rule 6.*]

RECEIPT FOR COMPENSATION.

[*Deposited under section 8 (1) of the Workmen's Compensation Regulation, 1928.*]

Book No. Receipt No. Register No.

Depositor.....
Deceased workman.....
Date of deposit.....19 .
Sum deposited Rs.....

.....
Commissioner.

FORM C.

[*See Rule 6.*]

STATEMENT OF DISBURSEMENTS.

[*Section 8 (4) of the Workmen's Compensation Regulation,, 1928.*]

Serial No.....

Depositor.....

Date.		Rs.
	Amount deposited	
	Funeral expenses paid	
	Compensation paid to the following dependents.	
	Name. Relationship.	
	TOTAL ...	

.....

Dated.....19 *Commissioner.*

FORM D.

[*See Rule* 9.]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS.

[*Section 8 (2) of the Workmen's Compensation Regulation, 1928.*]

Compensation amounting to Rs.....is hereby presented for deposit respect of $\frac{\text{permanent}}{\text{temporary}}$ injuries sustained by..... residing at.....which occurred on.....19 .

.....

Dated. .....19 *Employer.*

FORM E.

[*See Rule* 9.]

RECEIPT FOR COMPENSATION.

[*Deposited under section 8 (2) of the Workmen's Compensation Regulation, 1928.*]

Book No. Receipt No. Registered No.

Depositor.....

In favour of.....

Date of deposit.....19

Sum deposited Rs.....

.....
Commissioner.

FORM F.

[*See Rule* 20.]

APPLICATION FOR COMPENSATION BY WORKMAN.

To the Commissioner for Workmen's Compensation,

.....

.....

residing at.....applicant

versus

.....

residing at.....opposite party

It is hereby submitted that—

(1) the applicant, a workman employed by (a contractor with) the opposite party on the.....day of .....19....received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (*here insert briefly in ordinary language the cause of the injury*).....

.....

(2) the applicant sustained the following injuries, namely :—

.....

.....

(3) the monthly wages of the applicant amounted to Rs.....

the applicant is $\frac{\text{over}}{\text{under}}$ the age of 15 years.

*(4) (*a*) Notice of the accident was not served on the..... day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

*(5) the applicant is accordingly entitled to receive—

(*a*) half-monthly payments of Rs.....from the..... day of.....19.....to.....

(*b*) a lump sum payment of Rs.....

(6) the applicant has taken the following steps to secure a settlement by agreement, namely.....

.....

but it has proved impossible to settle the questions in dispute because.....

.....

*You are therefore requested to determine the following questions in dispute, namely:—

(*a*) whether the applicant is a workman within the meaning of the regulation,

(*b*) whether the accident arose out of or in the course of the applicant's employment,

(*c*) whether the amount of compensation claimed is due, or any part of that amount,

(*d*) whether the opposite party is liable to pay such compensation as is due,

(*e*) etc. (as required).

Dated the..... .....*Applicant.*

FORM G.

[*See Rule* 20.]

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION.

To the Commissioner for Workmen's Compensation,

.....

.....residing at

*Strike out the clauses which are not applicable.

.....applicant

versus

.....residing at

.....opposite party

It is hereby submitted that—

(1) .....a workman employed by (a contractor with) the opposite party on the..... day of.....19.....received personal injury by accident arising out of and in the course of his employment resulting in his death on the....day of.....19.... The cause of the injury was (*here insert briefly in ordinary language the cause of the injury*).. .....

.....

(2) The applicant (s) $\frac{\text{is a}}{\text{are}}$ dependent (s) of the deceased workman, being his.....,

(3) The monthly wages of the deceased amount to Rs.....

The deceased was $\frac{\text{over}}{\text{under}}$ the age of 15 years at the time of his death.

*(4) (*a*) Notice of the accident was served on the..... day of.....

(*b*) Notice was served as soon as practicable.

(*c*) Notice of the accident was not served (in due time) by reason of.....

.....

(5) The deceased before his death received as compensation the total sum of Rs.....

(6) The applicant (s) $\frac{\text{is}}{\text{are}}$ accordingly entitled to receive a lump sum payment of Rs.....

(7) The applicant (s) $\frac{\text{has}}{\text{have}}$ requested the opposite party to deposit compensation and the latter has $\frac{\text{refused}}{\text{omitted}}$ to do so.

*You are therefore requested to determine the following questions in dispute, namely :—

(*a*) whether the deceased was a workman within the meaning of the Regulation,

(*b*) whether the accident arose out of and in the course of the deceased's employment,

(*c*) whether the amount of compensation claimed is due, or any part of that amount,

(*d*) whether the opposite party is liable to pay such compensation as is due,

(*e*) whether the applicant (s) $\frac{\text{is a}}{\text{are}}$ dependent (s) of the deceased,

(*f*) how the compensation, when deposited, should be distributed,

(*g*) etc. (as required).

Dated the..... .....*Applicant.*

* Strike out the clauses which are not applicable.

FORM H.

[*See Rule* 20.]

APPLICATION FOR COMMUTATION.

(*Under section 7 of the Workmen's Compensation Regulation, 1928.*)

To the Commissioner for Workmen's Compensation,

.....

.....residing at

....., applicant

versus

.....residing at

....., opposite party.

It is hereby submitted that—

(1) The $\frac{\text{applicant}}{\text{opposite party}}$ has been in receipt of half-monthly payments from.....to..... in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (*a*) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.

(*b*) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders—

(*a*) directing that the right to receive half-monthly payments should be redeemed,

(*b*) fixing a sum for the redemption of the right to receive half-monthly payments.

Dated.....

.....*Applicant.*

FORM J.

[*See Rule* 37.]

NOTICE.

Whereas a claim for compensation has been made by..... applicant, against....., and the said.....has claimed that you are liable under section 12 (2) of the Workmen's Compensation Regulation, 1928, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on..... .....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

.....

Commissioner.

FORM K.

[*See Rule* 45.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....
.....day of.....19....., personal injury was caused to
...., residing at....., by accident arising out of
and in the course of employment in.....
.....The said injury as resulted in temporary disablement
to the said workman whereby it is estimated that he will be prevented
from earning $\frac{\text{more than}}{\text{any}}$ $\frac{\text{of his previous}}{}$ wages for a period of.....
months. The said workman has been in receipt of half-monthly pay-
ments which have continued from the.....day of.....19....
until the.....day of.....19....., amounting to Rs.....
in all. The said workman's monthly wages are estimated at Rs....
The workman $\frac{\text{is over the age of 15 years}}{\text{will reach the age of 15 years on...}}$

It is further submitted that .....the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs.....in full settlement of all and every claim under the Workmen's Compensation Regulation, 1928, in respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer.....

Witness .....

Signature of workman.....

Witness ....

(NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended whenever possible).

Receipt (to be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs.....

.....Workman.

Dated.....19 .

The money has been paid and this receipt signed in my presence.

.....Witness.

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occupational disease, agreement when workman is under legal disability, etc.

FORM L.

[*See Rule* 45.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....day of.....19 , perlly injury was caused to.. ....., residing at....., by lent arising out of and in the course of his employment in.....
.....
said injury has resulted in permanent disablement to the said kman of the following nature, namely :..... .....
said workman's monthly wages are estimated at Rs.....
workman is $\frac{\text{over the age of 15 years}}{\text{will reach the age of 15 years on .....}}$
said workman has, prior to the date of this agreement, received following payments, namely :—

Rs.....on.....Rs.....on.. .....
Rs.....on.....Rs.....on.....
Rs..... ..on.....Rs.....on... .....

It is further submitted that....., the employer of the said kman, has agreed to pay, and the said workman has agreed to ept the sum of Rs ... ..in full settlement of all and every claim ler the Workmen's Compensation Regulation, 1928, in respect of the ablement stated above and all disablement now manifest. It is refore requested that this memorandum be duly recorded.

Dated..... .....

Signature of employer.....
tness .....
Signature of workman.....
tness ....

(NOTE.—An application to register an agreement can be presented under the signae of one party, provided that the other party has agreed to the terms. But both natures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received e sum of Rs.....

....Workman.

ted.....192 .

The money has been paid and this receipt signed in my presence.

.....Witness.

.—This form may be varied to suit special cases, *e.g.*, injury by occupational ..... when workman is under legal disability, etc.

FORM M.

[*See Rule* 45.]

MEMORANDUM OF AGREEMENT.

It is hereby submitted that on the.....
.....day of.....19....., personal injury was caused to.....residing at.....
by accident arising out of and in the course of employment in.....
.....The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of $\frac{\text{wages amounting to Rs.....per month.}}{\text{no wages.}}$ The said workman's monthly wages prior to the accident are estimated at Rs.. The workman is subject to a legal disability by reason of
.....

It is further submitted that.....the employer of the workman has agreed to pay and.....on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs.....for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the Workmen's Compensation Regulation on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 7 of the said Regulation are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated.....

Signature of employer..... .....
Witness .....

Signature of workman.....
Witness .....

NOTE.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

Receipt (to be filled in when the money has actually been paid.)

In accordance with the above agreement, I have this day received the sum of Rs.....

.....Workman.

Dated.....19 .

The money has been paid and this receipt signed in my presence

.....Witn

NOTE.—This form may be varied to suit special cases, *e.g.*, injury by occur disease, etc.

RULES UNDER THE WORKMEN'S COMPENSATION ACT XIV OF 1928.

NOTIFICATION

No. D. 7674—I. & C. 96-28-34, dated Bangalore, 8th January 1930.

In exercise of the powers conferred on them by Section 31 of the Workmen's Compensation Act XIV of 1928, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules under the Act. They will come into force from the date of publication in the Gazette.

By Order,

N. RAMA RAO,
Secretary to Government,
Development Department.

NOTIFICATION.

COSTS.

1. Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

2. The costs which may be awarded shall include—

(*a*) The charges necessarily incurred on account of court fees;
(*b*) The charges necessarily incurred on subsistence money to witnesses; and
(*c*) Pleader's fee on the scale prescribed in the following rule:—

3. (*a*) In any proceeding involving an application for compensation in the form of a lumpsum or for commutation or for indemnification, the pleader's fee allowable shall ordinarily be Rs. 10.

The Commissioner may, in any such proceeding for sufficient cause, reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.

(*b*) In the other applications the pleader's fee shall ordinarily be Rs. 5.

The Commissioner may, in any special case, increase the fee to a sum not exceeding Rs. 20.

4. When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

If several respondents, having substantially one defence to make, succeed thereon, not more than one fee shall be allowed; and the court shall apportion it among the several respondents in such manner as it may think fit.

6. If several respondents have separate and distinct defences to make, they may, if successful, be allowed separate costs, whether they are represented by separate pleaders or not.

FEES.

7. The fees payable in respect of proceedings under the Act shall be as prescribed hereunder.--

I. Application for compensation —	
(a) Where compensation is claimed in the form of recurring payments under class D of sub section (i) of section 4.	Eight annas.
(b) Where compensation is claimed in the form of a lumpsum under classes A, B or C of sub-section (i) of section 4	(i) Where the sum claimed does not exceed Rs. 500, one rupee, and (ii) where the sum claimed exceeds Rs. 500, one rupee for each sum of Rs. 500 or fraction thereof.
II. Application for commutation under section 7--	
(a) Where it is by agreement between the parties	Eight annas.
(b) In any other case	One rupee.
III. Application for the deposit of compensation—	
When presented under section 8 (1)	Nil.
When presented under section 8 (2) (In respect of each person to whom compensation is payable).	Eight annas.
Application for apportionment of compensation under section 8 (1) -	One rupee for each dependent.
Application for review—	
(a) Where the review claimed is the continuance, increase, decrease or ending of half-mothly payments under section 6 (2)	Eight annas.
(b) Where the half monthly payments are sought to be converted into a lumpsum under secion 6 (2)	One rupee.
(c) In all other cases	One rupee.

VI. Application for the registration of agreements—	
(*a*) Where either the application or the memorandum of agreement accompanying it is signed by both the parties under section 28 (1)	Nil.
(*b*) In any other case	Eight annas.
VII. Application to summon witnesses—	
(*a*) When the application is to summon a single witness.	Eight annas.
(*b*) When the application is to summon more than one witness	Eight annas for the first witness and four annas for every subsequent witness.
VIII. Application for indemnification under section 13.	Three rupees.
IX. Application for the recovery of compensation—	
(*a*) Under an order already passed by the Commissioner	Eight annas.
(*b*) In all other cases	The same fee as is payable on a similar application for compensation.
X. All applications not otherwise provided for.	Eight annas.

8. In the case of any application falling under head X, the Commissioner may, if he thinks fit, permit the application to be made without fee.

9. Where the Commissioner grants relief of a different kind from or to a greater extent than that claimed by the applicant and if the fee which would have been payable on an application for the relief which the Commissioner grants is greater than the fee which has actually been paid, the Commissioner shall require the applicant to deposit the difference. The order shall not be executed until the difference is paid.

10. All fees payable under these rules shall be collected in the manner prescribed by the Court Fees Act.

11. The following registers shall be maintained by the Commissioner :—

(1) A register in Form I of application for the settlement of any matter filed before the Commissioner ;
(2) A register in Form II of *sub poena* applications filed before the Commissioner ;
(3) A register in Form III of processes delivered for service on parties ;

(4) A register in Form IV of court fees on all applications filed before the Commissioner;

(5) A register in From V of deposits received from and repayments made to parties;

(6) A register in Form VI of miscellaneous applications filed before the Commissioner; and

(7) A register in Form VII showing the receipt and disposal of application for copies of records.

12. (1) All applications presented to the Commissioner shall be headed with a cause title as in Form VIII.

(2) All proceedings subsequent to an original application or petition may be headed with a short cause title as in Form IX.

13. The full name, residence and description of each party and if such is the case, the fact that any party proceeds or is proceeded against in a representative character, shall be set out at the beginning of the application or petition as in Form X and need not be repeated in the subsequent proceedings in the same application or petition.

14. Every application shall, at the foot thereof, contain a list to be signed by the applicant or his representative of the documents filed therewith in Form XI or a statement signed, as aforesaid, that no document is filed therewith.

15. All applications, written statements and other proceedings and documents may be presented to or filed in Court by delivering the same personally to the Chief Ministerial Officer of the Court at any time during office hours or by sending them by registered post to that officer. The said officer shall at once endorse on the document the date of presentation or receipt by registered post, and if proceedings are thereby instituted shall insert the serial number.

16. Without prejudice to anything contained in the Act or in the rules framed thereunder by the Government or in these rules, a party shall be at liberty to inspect and obtain a copy of any document recited or referred to in an application or written statement and filed in Court therewith.

17. Every party and his representative desiring to inspect or to obtain copy of any proceedings filed in Court by him or any other party or a Commissioner or Officer of Court, or any other record relating to the application or matter to which he or his client is a party, shall present a memorandum in Form XII specifying the proceedings or record of which inspection or copy is required.

18. An application for inspection or copies of records or documents of, or in the custody of a court, other than records or documents filed in an application or proceeding or matter to which the applicant is a party, shall be made in Form XII and shall be supported by an affidavit stating whether the applicant has any and if so, what interest in the subject matter of the document or of the proceeding in which the record or document is filed, the purpose for which inspection or copy is required and if the same is required for the purpose of an intended or pending proceeding, the nature of the said proceeding and the relevancy of the record or document to the case of the applicant.

The court may, in its discretion, grant or refuse leave to inspect or to obtain a copy of the record or document applied for after causing notice of the application to be given to the parties to the said proceedings, if it thinks necessary.

19. When a person is entitled to inspect a proceeding or document the search therefor shall be made by the officer of the court and such person shall be allowed to read the proceedings or document which he is entitled to inspect or to have it read to him and to make a short memorandum of the date and nature thereof so as to enable him to describe it sufficiently in case a copy is required; but except where otherwise expressly provided by these rules he shall not be entitled to take a copy of the proceeding or document or any part thereof or to make extracts therefrom.

20. All copies furnished by the court shall be certified to be true copies and shall be sealed with the seal of the court. The Chief Ministerial Officer of the court shall initial every alteration and interlineation in the copy and shall sign a certificate at the foot thereof that the same is a true copy and shall also state the number of alterations and interlineations made therein.

21. Every copy shall bear an endorsement showing the following dates :—

(1) application made;
(2) stamp papers or charges called for;
(3) stamp papers or charges deposited;
(4) copy ready; and
(5) copy delivered or posted.

22. (1) One stamp paper of the value of two annas shall be brought in for every 175 words or fraction of 175 words.

(2) Four figures shall be taken as equivalent to one word and vernacular words with short suffixes and inflections shall be counted as one word.

(3) Cost of copying maps, plans, geneological trees, tabular statements or other work requiring skilled labour shall be fixed by the Commissioner and deposited in court in cash :—

Provided that the Commissioner may, in the case of poverty of the applicant, grant copies free of cost notwithstanding the provisions contained in sub-rules (1) and (3).

23. (1) On receipt of an application for copies of records or documents, notice shall be given by post to the applicant of the number of stamp papers required and the amount to be deposited in cash.

(2) If the required stamp papers or cash are not received within a fortnight from the date of notice, the application shall be struck off.

(3) The procedure above described shall also apply to calls for additional stamp papers or cash when the first supply has been found to be insufficient.

(4) The applicant may in his application for a certified copy apply that the same may be delivered to him in person or through the post at a specified address and the copies shall be delivered accordingly and if the applicant so requires by registered post. If any such copy is not claimed by the applicant within 12 months from the date on which it was ready, the copy shall be destroyed.

(5) If a document of which a copy or inspection is sought is not found on record, the applicant shall be entitled to a certificate to that effect.

(6) If any party or representative wishes to inspect an original record or document with a view to ascertain its probable age or discover erasures or interpolations therein, he shall do so in open court at the hearing of the application.

FORM I.

Register of applications for the settlement of any matter under the Workmen's Compensation Regulation, XIV of 1928, in the year—

(1)	Date of presentation or receipt of application	
(2)	Number of application	
(3)	Name	of applicant.
(4)	Description	
(5)	Address	

(6) Name (7) Description (8) Address	Of the opposite party
(9) Particulars	
(10) Amount of value (11) When the cause of action accrued.	Of claim.
Appearance:—	
(12) Applicant (13) Opposite party	Day for parties to appear.
(14) Date (15) For whom (16) For what or amount	Judgment.
(17) Date of decision of (18) Judgment in	Appeal.
(19) Date of application (20) Date of order (21) Against whom (22) For what (23) Amount if any (24) Amount of costs	Execution
(25) Amount paid in court (26) Minute of other return than payment and date of every return	Return of execution.

NOTE.—Where there are numerous applicants or numerous opposite parties th name of the first applicant or the first opposite party only, as the case may be, need be entered in the register.

FORM II.

Register of *sub poena* applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number and date of receipt	Settlement application number	Applicant's name	Applicant's position in the settlement application	Process fees	Checking Officer's initials	Date of hearing	Date of issue
1	2	3	4	5	6	7	8
				Rs. a.			

Names of witnesses	Batta deposited	To whom delivered for service and date of payment	Mode of service	Unexpended batta		Date of payment to treasurer and his initials	Remarks
				Date of return	Amount		
9	10	11	12	13	14	15	16
	Rs. a.				Rs. a.		

FORM III

Register of Processes delivered for service.

Serial number	Settlement application number	Nature of process	Number of copies	Date of delivery for service	Returnable date	When returned	Mode of service		Initials of clerk	Remarks
							Served	Unserved		

FORM IV.

Register of Court Fees on applications filed in the Court of the Commissioner for Workmen's Compensation.

Serial number	Settlement application number	Nature of application	Court fee		Process fees		Search fees		Remarks
			Rs.	a.	Rs.	a.	Rs.	a.	

FORM V.

Register of deposits received from and repayments made to parties.

Receipts ....
1. Date.
2. Number of each deposit.
3. Reference to application.
4. From whom received and position of depositor.
5. Nature of each deposit.
6. Amount of each deposit.
7. Initials of the Chief Ministerial Officer.

Repayments ...
8. Date.
9. To whom and position of recipient.
10. Reference to and date of Commissioner's order ordering repayment.
11. Amount and whether paid in cash or by cheque.
12. Initials of the Chief Mlnisterial Officer.

FORM VI.

Statement showing the number of Miscellaneous Applications filed in the Court of the Commissioner for Workmen s Compensation.

Serial number	Application number	Date of file	Nature of application	Date of hearing	Date of disposal	Orders

FORM VII.

Register showing the receipt and disposal of applications for copies in the Court of the Commissioner for Workmen's Compensation.

Month and date	General number	Number of application	Name of applicant	Description of paper	Charges			Given to copyist		Given to examiner		Copy ready			Date of delivery of copy and return of unused stamps	Signature of Applicant
					When called for	When deposited	Number of stamps	Date	Initials	Date	Initials	Date	Number of stamps: Used	Number of stamps: Not used		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

FORM VIII.

CAUSE TITLE.

In the Court of the Commissioner for Workmen's Compensation.
Application No. of 193 .

Between

1. T. Ramaswami Chetti and 2. T. Sivaswami Chetti ... ... *Applicants.*

and

1. M. Muniswami Pillai and 2. M. Ramaswami Pillai ... ... *Opposite parties.*

FORM IX.

SHORT CAUSE TITLE.

In the Court of the Commissioner for Workmen's Compensation.
Application No. of 193 .

Between

1. T. Ramaswami Chetti and five others ... *Applicants.*

and

1. M. Muniswami Pillai and four others ... *Opposite parties.*

FORM X.

CAUSE TITLE.

Application.

The abovenamed applicants state as follows :—

(1) T. Ramaswami Chetti, the first applicant is a workman and resides at.....

(2) .....

The address of the applicants for service of all notices and process is.....

2. M. Muniswami Pillai, the first named opposite party is the employer of.....and resides at.....

3. (Set out the facts showing the cause of action, in consecutive numbered paragraphs.)

4. The applicants estimate the value of the relief sought by them at the sum of Rs.

5. The applicants pray that .....
   (a) (Set out reliefs claimed in successive paragraphs.)

(Sd.) T. RAMASWAMI CHETTY.

FORM XI.

LIST OF DOCUMENTS UNDER RULE.....

(*Cause Title.*)

Serial number	Date, if any, of document in Vernacular and in English	Parties to the document	Description of document

(Signed)

Applicant or (opposite party) or pleader or representative of the applicant or opposite party.

FORM XII.

FORM OF APPLICATION FOR SEARCH OF RECORDS.

To

The Commissioner for Workmen's Compensation .....

The undersigned hereby applies for inspection.

Name and address of applicant in full	Description of record as far as possible	Whether copy or inscription is required	Purpose for which inspection or copy is required	Order of Court if any, under which application is made

Signature of applicant.

WD 1285—GPB—100—10-4-39.

THE MYSORE SILICOSIS RULES.

NOTIFICATION.

No. D. 3437—*I. & C.* 188-39-3, *dated Bangalore, the* 13*th January* 1940.

In exercise of the powers conferred on them by Section 31 (1) of the Workmen's Compensation Act, XIV of 1928, as amended from time to time, the Government of His Highness the Maharaja are pleased to issue the annexed additional rules under the caption " The Mysore Silicosis Rules," the draft in this behalf having already been published with Notification No. D. 1639—I. & C. 188-39-2, dated the 15th—21st September 1939 on pages 460 to 470 of Part IV of the *Mysore Gazette*, dated 25th September 1939.

2. These rules will come into force from the date of this notification in the Gazette.

By Order,

C. E. NORONHA,

Secretary to Government,

Development Department.

THE MYSORE SILICOSIS RULES.

1. (*a*) These rules shall be called the Mysore Silicosis Rules.

(*b*) They shall apply to all industries specified in Schedule "A" of these rules. The Government may from time to time add to or vary the Schedule.

(*c*) They shall come into force on such date as the Government may, by notification in the official Gazette, appoint

2. In these rules, unless there is anything repugnant in the subject or context,—

(*a*) "The Act" means the Mysore Workmen's Compensation Act, No. XIV of 1928, as amended by Act III of 1936.

(*b*) "Commissioner" means the Commissioner for Workmen's Compensation appointed under the Act.

(*c*) "Initial Examination" means examination prescribed under Rule 9 (*a*) of the rules.

(*d*) "Periodical Examination" means examination prescribed under Rule 9 (*d*) of these rules.

(*e*) "Examiner" means registered medical practitioner whose name appears in the list published by Government in the official Gazette as prescribed in Rule (6) of these rules.

(*f*) "Mining" as specified in Schedule "A" of these rules shall be construed as a reference to underground work or employment beneath the surface; to work or employment upon or about rock crushers in a rock crushing station and to work or employment in a sample-crushing room or assay office or on any tailings dump.

3. For the purposes of these rules, Silicosis shall mean Silicosis of the Lungs—

4. A person shall, for the purposes of these rules, be deemed to have or to have had Silicosis.—

(*a*) In the *Ante-primary stage*, when it is found on medical and radiological examination that the earliest detectable specific physical signs of Silicosis are or have been present, whether or not capacity for work is or has been impaired by such Silicosis.

(*b*) In the *Primary stage*, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present

and that capacity for work is or has been impaired by that disease though not seriously and permanently.

(*c*) In the *Secondary stage*, when it is found on medical and radiological examination that definite and specific physical signs of Silicosis are or have been present and that capacity for work is or has been seriously and permanently impaired by that disease.

(*d*) Silicosis with active Tuberculosis is equivalent to the Secondary stage.

5. (*a*) Every workman who desires the grant of compensation under these rules, shall apply to the Commissioner in whose jurisdiction he resides in Form "A" in duplicate.

(*b*) Application for compensation by dependants shall be made in Form "B" and shall be transmitted in duplicate to the Commissioner.

6. *Medical Examination.*—The Government shall under these rules publish, from time to time, in the official Gazette the names of Registered Medical Practitioners who are empowered to carry out examinations and issue certificates.

7. Government may also appoint Medical Officers in service as *ex-officio* examiners for the purposes of examination and issue of certificates.

8. (*a*) Government shall establish a Medical Bureau consisting of three or more Medical Practitioners or Officers with special knowledge of the diseases of the lungs and respiratory organs; and the Commissioner may, in cases of doubt, or shall, in cases where the employer or the workman is dissatisfied with the certificate granted under these rules, refer the case to the Bureau.

(*b*) In all such cases the applicant shall be X-rayed and clinically examined. The findings of the Bureau shall be final.

9. (*a*) Any applicant desiring to work in any of the industries specified in Schedule "A", after these rules have come into force, shall submit himself to a medical examination by an examiner before whom he shall be caused to appear by the employer.

(*b*) The examiner shall make such examination (including stethoscope examination) of the applicant as will enable him to fill in correctly the initial certificate in Form "C" that he is free from any disease of the lungs

and respiratory organs and is, in other respects, physically fit for the work for which a certificate is sought.

(*c*) Such certificate shall be transmitted to the applicant and shall be valid for a period not exceeding five years.

(*d*) After the initial examination, every workman shall be brought before an examiner by the employer for medical examination at intervals of not more than five years over a period not exceeding ten years, and thereafter at two yearly intervals.

(*e*) After every examination subsequent to the initial examination, a certificate in Form "D" stating that the workman is not suffering from Silicosis or a certificate in Form "D (*a*)" stating that the workman is suffering from Silicosis and in what stage, shall be issued nd it shall be the duty of the employer to inform the 'orkman of the contents thereof.

10. (*a*) Every workman who is already in servic t the time of these rules coming into force, if he desire o become eligible for the benefits under these rule: hall be duly medically examined by an examiner befor whom he will be caused to appear by the employer and found suffering from Silicosis as defined in Rule (4), h shall be entitled to compensation as provided for in th Act.

(*b*) If it is found not possible for such workman be present for initial examination and if he is not examin on the day he presents himself, his name shall be enter in a register maintained for such a purpose and he sh be deemed to have complied with the rules, provided th he reports himself for examination without delay, on bei notified subsequently by the employer, of a date a hour on which the examination will be carried o Failure on the part of the workman thus notified present himself for examination without sufficient cau shall render him ineligible for compensation and sh release the employer from all obligation under these ru should the workman at any other date present hims for examination and be found to be suffering fr Silicosis.

11. (*a*) Wherever the Commissioner considers it ne sary to be satisfied by post mortem examination whet a deceased workman had Silicosis and having obtai the previous consent of the legal representatives of

deceased, to the performance of such post mortem examination, he may request any Government medical officer, to conduct such an examination and send him a copy of Form " E " to be filled in by him. A medical examiner nominated by the employer shall be given an opportunity to be present at such post mortem examination and shall either agree or disagree with the findings of the Government medical officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The medical officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form " E " and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

12. When once a workman has accepted compensation, he is prohibited from working again as such ; but he is not obliged to accept compensation and give up his occupation as such.

13. If a workman continues to work in any of the industries specified in Schednle "A" for a longer period than three months after he had been certified to be suffering from Silicosis, he is not entitled to a greater amount of compensation than that to which he was entitled when first certified. But this loss of benefit does not extend to his dependants.

SCHEDULE "A."

Industries involving exposure to the risk of Silicosis.

1. Mining—Gold
2. Porcelain and Pottery Industries.
3. Cement Industry.
4. Glass Industry.
5. China Clay and Talc Industries.
6. Sandstone Industry.
7. Quarrying or Crushing or Cutting of Stones.
8. Manufacture of Bricks and Tiles.
9. Foundries and Metal Works.

FORM A.

The Mysore Silicosis Rules.

APPLICATION FOR PAYMENT OF COMPENSATION.

I, the undermentioned workman, hereby apply, under the Mysore Silicosis Rules, for compensation for Silicosis contracted in the course of my employment.

1. Name in full.....
2. Address in full.....
3. Names and addresses and relationship of dependants.
4. Name of the employer under whom the workman worked last with record of service.
5. Particulars of earnings.....
6. Particulars of claim.....

I hereby declare that what is stated above is correct.

Signature of the applicant

To

The Commissioner for Workmen's Compensation,
.....District,
.....

FORM B.

The Mysore Silicosis Rules.

APPLICATION FOR COMPENSATION BY A DEPENDANT.

I or We, the dependant or dependants of the deceased workman named.....an employee in the..... .....(name of the concern or firm) apply for compensation for Silicosis contracted by the workman n the course of his employment and as a result of which he died.

1. Name (s) of dependants in full.
2. Address.
3. Age.

4. Relationship to the deceased workman.
5. Occupation.
6. Particulars of earnings.
7. Particulars of claim.
8. Name of the deceased workman in full with name of last employer and record of service thereunder.
9. Date of his death.
10. Cause of his death (Post mortem certificate to be attached).

I hereby declare that I am/We are the..... .....
.....of the late.....
and that the statements contained in the above application form are true and correct.

Signature of the applicants.

FORM C.

The Mysore Silicosis Rules.

INITIAL CERTIFICATE.

(Issued without alteration.)

Expires.....(Name of concern or firm) .....
Name in full.....
Address.....

This is to certify that the abovenamed applicant on the.....
....day of.....19 underwent the examination prescribed by Rule 9 (*a*) of the Mysore Silicosis Rules of 19 and was then free from any disease of the lungs and respiratory organs and was in other respects physically fit for work in industries specified in Schedule 'A'.

Signature or left thumb impression of applicant.

Marks of identification :—
(1)
(2)

Place.....

Examiner.

Date.....

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on.....and will be of no effect after that date.

FORM D.

The Mysore Silicosis Rules.

PERIODICAL CERTIFICATE.

(Issued without alteration.)

Expires on.....

Name in full.....

Address.....

This is to certify that the above named workman on the.....day of.....19 underwent medical examination prescribed by Rule 9 (*d*) of the Mysore Silicosis Rules and that he was not then suffering from Silicosis.

Signature or left thumb impression of the workman.

Marks of identification :—

(1)

(2)

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the.....and will be of no effect after that date.

FORM D (*a*).

The Mysore Silicosis Rules.

PERIODICAL CERTIFICATE.

(Issued without alteration.)

Expires on.....

Name in full.....

Address.....

This is to certify that the abovenamed workman on the.....day of .....19 underwent medical examination prescribed by Rule 9 (*d*) of the Mysore Silicosis Rules and that he was then suffering from Silicosis. (State stage.)

Signature or left thumb impression of the workman.

Marks of identification :—

(1)

(2)

Place.....

Date.....

Signature of the Examiner.

This certificate is to be kept clean and must be produced at the next medical examination.

This certificate expires on the.....and will be of no effect after that date.

FORM E.

The Mysore Silicosis Rules.

REPORT ON POST MORTEM EXAMINATION.

I have this day at..... .....made a post mortem examination on a body.

Name..... .....

Address.....

Designation..... .....

and as a result of my examination I find that (here state what diseases were found to be present)

and I certify that the cause of death was.....

.....

and the deceased was (not) at the time of his death suffering from Silicosis or that Silicosis was (not) present as a contributing or predisposing factor or cause of his death or that Silicosis was a contributing but not a predisposing cause of his death or that Silicosis was a predisposing but not a contributing cause of his death. (If Silicosis were present as a contributing or a predisposing cause of death, state the condition found in the organs stated below and comply with the provisions of Rule 11 printed below.)

Hilar Glands

Pleura { (Right) / (Left)

Lungs { (Right) / (Left)

Any abnormalities in other organs.

Address..... .....

Date..... *Medical Practitioner.*

N.B.—1. Strike out inapplicable clauses and attest.

11. (*a*) Whenever the Commissioner considers it necessary to be satisfied by post mortem examination whether a deceased workman had Silicosis and having obtained the previous consent of the legal representative of the deceased, to the performance of such post mortem examination, he may request any Government medical officer to conduct such an examination and send him a copy of Form "E" to be filled in by him. A medical examiner nominated by the employer shall be given an opportunity to be present at such post mortem examination and shall either agree or disagree with the findings of the Government medical officer. In the event of disagreement, the report on the case with the lungs shall be referred to the Medical Bureau by the Commissioner for their opinion.

(*b*) The medical officer so requested by the Commissioner shall, without avoidable delay, make the necessary examination and forward his report to the Commissioner in Form "E" and if Silicosis has been found to be present in the lungs of the deceased, such lungs shall accompany the report.

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